

11 AUGUST 1947

I N D E X  
of  
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
ISHIBASHI, Tansan	25413
Direct by Mr. Logan	25413
(Witness excused)	25432

11 AUGUST 1947

I N D E X  
O F  
E X H I B I T S

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1400-H-3	2838		Memorandum by the Ambassador in Japan (Grew), dated 10 November 1941		25394
401-B(8) and (9)	2839		Excerpts from "Peace and War" - U. S. Foreign Policy, 1931-1941		25395
<u>MORNING RECESS</u>					25418
1762-A	2841		Affidavit of ISHIBASHI, Tansan		25421
401-(12)	2842		Excerpt from "Peace and War" - National Defense		25435
401-(22)	2843		Excerpt from "Peace and War" - European Crisis 1938 - U. S. Rearmament		25440
<u>NOON RECESS</u>					25441
	2844		Proceedings of the Joint Committee on the Investigation of the Pearl Harbour Attack - Congress of the U.S., 79th Congress, First Session		25447

11 AUGUST 1947

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EXHIBITS  
(cont'd)

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1500-0-4	2844-A		Excerpt therefrom - Testimony of Admiral R. F. Ingersoll, dated 12 February 1946		25447
401-(23)	2845		U. S. Rearmament - Excerpt from "Peace and War"		25450
401-(31)	2846		Excerpt from "Peace and War" - Defense Measures of the U. S. 1940 - President Roosevelt's Request for 50,000 planes		25469
			<u>AFTERNOON RECESS</u>		25482
401-(43)	2847		Excerpt from "Peace and War" - European War 1941 - The Four Freedoms		25493
401-(44)	2848		Lend-Lease Act		25495

11 AUGUST 1947

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			<u>AFTERNOON RECESS</u>		25482
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1                   Monday, 11 August 1947  
2                   -----  
3  
4                   INTERNATIONAL MILITARY TRIBUNAL  
5                   FOR THE FAR EAST  
6                   Court House of the Tribunal  
7                   War Ministry Building  
8                   Tokyo, Japan  
9  
10  
11

The Tribunal met, pursuant to adjournment,  
at 0930.

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11 Appearances:

12                   For the Tribunal, all Members sitting, with  
13                   the exception of: HONORABLE JUSTICE STUART McDougall,  
14                   Member from the Dominion of Canada and HONORABLE  
15                   JUSTICE I. M. ZARAYANOV, Member from the USSR., not  
16                   sitting from 0930 to 1600.

17                   For the Prosecution Section, same as before.

18                   For the Defense Section, same as before.

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20                   (English to Japanese and Japanese  
21                   to English interpretation was made by the  
22                   Language Section, IMTAFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: May it please the Tribunal,  
5 before my learned friend resumes his presentation of  
6 documents may I call the attention of the Tribunal  
7 to an extremely false report in the newspaper "Pac-  
8 ific Stars and Stripes" of the proceedings of this  
9 Tribunal last Friday? On this particular occasion  
10 I happen to be the victim of it. In a paragraph  
11 printed in heavy type they say "Prosecution Drops  
12 NEI Charge Against Tojo", and continues: "The pros-  
13 Friday told the International Military Tribunal for  
14 the Far East that it was abandoning its indictment  
15 allegations that former Premier Hideki Tojo and the  
16 twenty-four other Japanese leaders on trial for war  
17 crimes charges participated in a conspiracy to dom-  
18 inate the Netherlands East Indies government in the  
19 time between 1928 and 1937."

20 It will be within the recollection of the  
21 Tribunal, and the record shows, that what I said on  
22 behalf of the prosecution was the exact opposite,  
23 namely, that as there was no allegation in the indict-  
24 ment or anywhere else relating to this matter, there  
25 was nothing to withdraw. I find it difficult to

1 believe that anybody could have communicated this  
2 report to the newspaper in good faith.

3 THE PRESIDENT: Well, the transcript shows  
4 what you said, Mr. Carr.

5 Before me, on my arrival in court this  
6 morning, is an offensive note addressed to me. How  
7 those things can happen I don't know. I'll say no  
8 more about it.

9 Mr. Logan.

10 MR. LOGAN: If your Honor please, we now  
11 offer in evidence defense document 1400-H-3, being  
12 a memorandum from Ambassador Grew dated November 10,  
13 1941, reporting conversation he had with the Japanese  
14 Minister.

15 THE PRESIDENT: Mr. Comyns Carr.

16 MR. COMYNS CARR: If it please the Tribunal,  
17 the prosecution objects to this document as irrelevant.  
18 It is merely Ambassador Grew's report of the opinion  
19 communicated to him by an unknown minister on the  
20 subject of the rapidly increasing Japanese popula-  
21 tion.

22 MR. LOGAN: My friend picks up the most  
23 minute portion of this document and calls it to your  
24 Honor's attention. He knows we are not offering it  
25 to show that the population of Japan was increasing.

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2 report to the newspaper in good faith.

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19 communicated to him by an unknown minister on the  
20 subject of the rapidly increasing Japanese popula-  
21 tion.

22 MR. LOGAN: My friend picks up the most  
23 minute portion of this document and calls it to your  
24 Honor's attention. He knows we are not offering it  
25 to show that the population of Japan was increasing.

1 He knows we are offering it to show that this was  
2 another protest by the Japanese Minister against  
3 the economic pressure that was being applied by the  
4 allied powers, setting forth the necessity of Japan  
5 to obtain raw materials for self-preservation and  
6 self-existence.

7 THE PRESIDENT: By a majority, the document  
8 is admitted tentatively.

9 THE CLERK: Defense document 1400-H-3 will  
10 receive Exhibit No. 2838.

11 (Whereupon the document above re-  
12 ferred to was marked Exhibit No. 2838 and  
13 received in evidence).

14 MR. LOGAN: I shall read the exhibit just  
15 offered in evidence:

16 "Memorandum by the Ambassador in Japan  
17 (Grew), dated TOKYO, November 10, 1941.

18 "The Minister went on to say that the pop-  
19 ulation of this country is steadily and rapidly  
20 increasing; it was now about one hundred million;  
21 and it was necessary to assure raw materials nec-  
22 essary for their existence. It was his opinion  
23 that unless the American Government realizes this  
24 fact as among the realities of the situation, success-  
25 ful conclusion to the conversations would be difficult.

1 During the conversations carried on for a period of  
2 more than six months, the Japanese Government had  
3 repeatedly made proposals calculated to approach the  
4 American point of view, but the American Government  
5 for its part had taken no step toward meeting the  
6 Japanese position and had yielded nothing -- it had  
7 perhaps taken a more advanced position. Those being  
8 the facts, 'we in Japan are led to wonder what is  
9 the degree of sincerity of the American Government  
10 in continuing with the conversations.' Signed  
11 Joseph C. Grew."

12 We now offer in evidence defense document  
13 401-B-8 and 9, which are excerpts from Peace and War  
14 with respect to the repeal by the United States of  
15 the Neutrality Act.

16 THE PRESIDENT: Admitted tentatively.

17 THE CLERK: Defense document 401 B-8 and 9  
18 will receive Exhibit Number 2839.

19 (Whereupon the document above re-  
20 ferred to was marked Exhibit No. 2839 and  
21 received in evidence.)

22 MR. LOGAN: I shall now read Exhibit 2839,  
23 excerpts from Peace and War with respect to the  
24 repeal by the United States of the Neutrality Act.  
25

"B (8): On October 9, 1941 the President

asked Congress to modify the Neutrality Act."

"B (9) The Congress passed, and the President approved on November 17, 1941, a joint resolution repealing sections 2, 3, and 6 of the Neutrality Act of 1939, thereby permitting United States vessels to be armed and to carry cargoes to belligerent ports anywhere."

We offer in evidence defense document 1500-E-5, which is a telegram sent to Honorable Laughlin Currie by Honorable Lattimore, dated November 25, 1941, with respect to the effect of the loosening of economic pressure or unfreezing as viewed by the Chinese. This document also contains a copy of a message transmitted to Secretary Stimson under cover of the aforementioned letter relating to the same subject.

THE PRESIDENT: Mr. Comyns-Carr.

MR. COMYNS CARR: May it please the Tribunal, the prosecution objects to this document and, in our submission, it requires rather careful consideration. This is a document communicating privately to the United States Government the opinion of General Chiang Kai Shek and the United States Government as to the effect which would be produced if the freezing of assets embargo were relaxed in the end

1 of November, 1941. It is a document which only came  
2 to public knowledge in the course of the Pearl Harbor  
3 inquiry after the end of the war. Now, as I under-  
4 stand it, this,-- the whole of this case which is  
5 being presented by the defense in this part of their  
6 case, is that the accused or some of them were just-  
7 ified in initiating military operations on December  
8 7th to 8th, by reason of an honest and reasonable  
9 opinion that they were acting in self-defense, and  
10 they are presenting materials for the purpose of  
11 showing the reasons on which that opinion is alleged  
12 to have been based. Obviously, something which could  
13 only have come to their knowledge after the war was  
14 over could have formed no part of the materials upon  
15 which such a view was based if, in fact, such a view  
16 ever existed. Therefore, this and a pretty large  
17 number of other documents which they have served upon  
18 us, which come into the same category, namely, docu-  
19 ments disclosed for the first time in the Pearl Harbor  
20 inquiry, cannot be admissible on the only ground which,  
21 so far as we can see, could possibly be suggested,  
22 namely, that they form a part of the material upon  
23 which the accused acted when they considered -- if  
24 they did -- that they were acting in self-defense, or,  
25 in the alternative way in which it has been put, under

1 provocation. That being so, in our submission, some  
2 other ground must be discovered for admitting this  
3 and the huge number of other documents which are  
4 about to be tendered; that is to say, it must be  
5 shown that the mere sending of these documents secret-  
6 ly between the countries of China and the United  
7 States, although unknown to the accused at the time,  
8 is a fact material in itself. That, in our submiss-  
9 ion, can only be the case if there were some issue  
10 before this Tribunal as to the propriety of the  
11 conduct of either China or the United States in  
12 this matter; that is to say, if you were trying  
13 the statesmen of those countries instead of these  
14 Japanese accused. You are not. There is no such  
15 issue, and, as I understand it, the defense have  
16 themselves repeatedly repudiated any intention  
17 to raise any such issue. In our submission, there-  
18 fore, there is no basis whatever for the admissibil-  
19 ity of this document. We have stated the objection  
20 to this document rather fully because it will --  
21 the same reasoning will apply to a very large  
22 number of others.

24

25

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ly between the countries of China and the United  
States, although unknown to the accused at the time,  
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to this document rather fully because it will --  
the same reasoning will apply to a very large  
number of others.

24

25

THE PRESIDENT: Mr. Logan.

1 MR. LOGAN: With regard to this particular  
2 document, I see nothing on it which says that it is  
3 either private or secret as claimed by the prosecu-  
4 tion. I would like to explain just why we are offer-  
5 ing this type of evidence. I am afraid the prosecu-  
6 tion has confused the reasons why this evidence is  
7 being offered. They are of two types, not one type.  
8

9 In the first place, there were certain  
10 acts committed by the Allied Powers of which the  
11 Japanese had knowledge and which we will show later  
12 on in the presentation of this evidence. Those acts  
13 are being presented for the purpose of showing that  
14 the Japanese Government realized the economic and  
15 military encirclement which was being conducted by the  
16 Allied Powers against it, and the acts which they per-  
17 formed after finding out this information and knowing  
18 its effect goes to the defense we are trying to prove  
19 here. All that evidence goes to acts which took  
20 place at the time and which the Japanese Government  
21 knew were occurring at that time.

22 The second type of evidence is the type  
23 being offered at the present time, that is, acts  
24 which occurred of which perhaps the Japanese Govern-  
25 ment had no knowledge of at the time they occurred,

1 and not perhaps discovered by the Japanese Government  
2 after the war, as my friend suggests. But even if  
3 the Japanese Government didn't know that these par-  
4 ticular acts were taking place such as revealed in  
5 this particular document, they did know the effect of  
6 those acts. They did know that in late November,  
7 1941, there was an attempt to enforce these orders,  
8 but perhaps they didn't know who was conspiring to  
see that they were not unfrozen.

9 This type of evidence tends to show that  
10 there was a conspiracy against Japan by these coun-  
11 tries to continue the economic and military pressure  
12 which was being applied to her at that time.  
13

14 THE PRESIDENT: I think you said earlier  
15 that the arms and other commodities on which the em-  
16 bargo was placed were acquired for use in China. The  
17 prosecution did not contest that. This is merely con-  
18 firmation of it and it seems to me to be redundant,  
19 most of it at least.

20 MR. LOGAN: That was not my contention.  
21 Perhaps there is a misunderstanding. I said --

22 THE PRESIDENT: The embargo was intended to  
23 help China. I understood that to be common ground.  
24 Here is the Chinese President saying it is indispen-  
25 sable to China to continue it. I am afraid the

1       Tribunal will be inundated with documents about  
2       matters which are not contested.

3                   MR. LOGAN: The fact that the prosecution  
4       objects to this document shows that it is contested,  
5       your Honor -- the conspiracy against Japan. Per-  
6       haps I should explain a little more fully, because  
7       I don't want the Tribunal to be under a misapprehen-  
8       sion.

9                   It was my contention last week, and it still  
10      is today, that these embargoes and freezing orders  
11      not only choked off any possible materials which might  
12      go into a war effort, but they also choked off Japan-  
13      ese industrial life.

14                  THE PRESIDENT: The document deals only with  
15      Chiang Kai Shek's attitude toward the embargo.

16                  MR. LOGAN: It is his protest, it is true,  
17       your Honor, but at that time there was an effort be-  
18       ing made to lift those embargoes. This not only shows  
19       that China but also the United States and Great Brit-  
20       ain were vitally interested in that matter too, and  
21       the effect of those embargoes constitute the facts  
22       upon which the Japanese Government formed its opinion.

23                  THE PRESIDENT: On my casting vote the objec-  
24       tion is upheld and the document rejected.

1                   MR. LOGAN: We offer in evidence defense  
2 document 1400-F-3, which is a memorandum of a conver-  
3 sation dated December 2, 1941, excerpted from Foreign  
4 Relations of the United States. This memorandum is  
5 signed by Joseph W. Ballantine and relates his conver-  
6 sation with the Japanese Ambassador regarding the  
7 economic pressure exerted against Japan.

8                   THE PRESIDENT: Brigadier Quilliam.

9                   BRIGADIER QUILLIAM: May it please the Tribu-  
10 nal, apart from being irrelevant, this document is  
11 redundant. It is merely another protest about embar-  
12 goes and adds nothing to the determination of the  
13 issues. It will be observed that the protest was  
14 made after the decision had been made to attack at  
15 Pearl Harbor on the 7th of December.

16                  MR. LOGAN: This memorandum was in Washingt-  
17 on December 2, and there is no evidence by the  
18 Ambassador there that he knew of the decision of  
19 December 1 at that time. This shows further protest  
20 the same as the previous one admitted this morning.

21                  THE PRESIDENT: By a majority the Court  
22 upholds the objection and rejects the document.  
23  
24  
25

1                   MR. LOGAN: We offer in evidence defense  
2 document 1400-G-3, being a memorandum of the conver-  
3 sation between the Japanese Ambassador and Joseph W.  
4 Ballantine dated December 5, 1941. In this memorandum  
5 the Japanese Ambassador reports the alarm of the  
6 Japanese over the increasing naval and military prep-  
7 arations of the ABCD powers in the Southwest Pacific.

8                   THE PRESIDENT: Brigadier Quilliam.

9                   BRIGADIER QUILLIAM: May it please the  
10 Tribunal, the prosecution object to this document on  
11 the same grounds as the previous one. It is dated,  
12 it will be observed, the 5th of December 1941 and it  
13 does not deal with economic embargoes specifically  
14 but it deals with the alleged war preparations.

15                  MR. LOGAN: I will withdraw that at this  
16 time and present it later at the end of the military  
17 phase.

18                  We now offer in evidence document 2007 which  
19 is an excerpt processed by the prosecution for the  
20 defense, being certain excerpts from the testimony of  
21 Honorable Cordell Hull given at a hearing held before  
22 the Joint Congressional Committee on the investigation  
23 of the Pearl Harbor attack. We propose at this time  
24 to read excerpts appearing on pages 1, 2, and the  
25 first three paragraphs on page 3 dealing with

Secretary Hull's testimony regarding embargoes, aid to China, armament of the United States and procurement of natural resources in the Southwest Pacific by Japan.

THE PRESIDENT: Brigadier Quilliam.

BRIGADIER QUILLIAM: May it please the  
Tribunal, this document and particularly the parts  
that are proposed to be read is merely a repetition  
of evidence which has been presented in more than one  
form to the Tribunal. This is part of the evidence  
of Mr. Cordell Hull at the Pearl Harbor Inquiry in  
which he reviews what took place over the years. The  
whole of it has been submitted, as I say, in more than  
one form before and it can have no greater value be-  
cause it happens to be in this instance the extract  
from the evidence given before the Pearl Harbor  
Committee.

18 THE PRESIDENT: Do you admit, Brigadier  
19 Quilliam, that Mr. Hull said all the things that  
20 appear in the document about to be discussed?

21 BRIGADIER QUILLIAM: May it please the  
22 Tribunal, I have not actually checked these state-  
23 ments with the original report but I have no doubt  
24 that it is an accurate copy.

THE PRESIDENT: I understood you to say,

1 Brigadier, that all the things that appear in this  
2 document just tendered appear in the evidence already  
3 in some form or other. If that is so, we do not need  
4 this document. We are trying to save time and material.

5 BRIGADIER QUILLIAM: May it please the Tribunal,  
6 although we have a copy of this document it has not  
7 been served on the prosecution at all, but even a  
8 cursory perusal will show that all the matters that  
9 are referred to are all matters that have actually been  
10 dealt with before the Tribunal. In particular--

11 THE PRESIDENT: We do not want them twice.

12 BRIGADIER QUILLIAM: In particular, they are  
13 included in Mr. Ballantine's evidence necessarily  
14 excepting, of course, where this document contains  
15 the opinions and views of Mr. Cordell Hull, which we  
16 submit are objectionable anyhow.

17 MR. LOGAN: I only intended to read the first  
18 two and a half pages of this but the length of it, of  
19 course, is no reason to exclude it. But this document  
20 was processed by the prosecution for the defense. They  
21 took the choice parts of Secretary of State Hull's  
22 testimony out of that book and presented it to the  
23 Tribunal and left out those portions that we consider  
24 favorable to the defense. In other words, they pre-  
25 sented only a one-sided story for the Tribunal's

1 consideration. We want to present all the facts, the  
2 reasons behind Secretary of State Cordell Hull's  
3 action.

4         Secondly, the Tribunal will recall that the  
5 defense objected strenuously to Mr. Ballantine, who  
6 came here and used a great deal of Secretary of State  
7 Cordell Hull's testimony and did not advise the Court  
8 where he got his statement. So the prosecution got  
9 Secretary Hull's testimony in twice, one, by the  
10 excerpts from this book and, second, through Mr.  
11 Ballantine. We complained again when Mr. Ballantine  
12 testified that he too was omitting the favorable  
13 portion of Secretary of State Cordell Hull's testimony,  
14 so we are offering these portions of Honorable Cordell  
15 Hull's testimony to fill in the gap so that the Tribunal  
16 will get a complete picture of his reasoning.

17         THE PRESIDENT: Whom are we to believe, you  
18 or Brigadier Quilliam? He says it is all in some  
19 form; you say it is not. How can we decide?

20         MR. LOGAN: I will say this, if the Tribunal  
21 please, that this evidence, this particular piece of  
22 evidence, has never been offered before.

23         BRIGADIER QUILLIAM: May it please the  
24 Tribunal, as a quick way of testing the accuracy of  
25 Mr. Logan's remark, may I refer the Tribunal to the

bottom of page 2? That refers to the freezing of  
1 Chinese and Japanese assets. If the Tribunal wants  
2 to know once more that that happened then, of course,  
3 this document should be submitted.  
4

5 THE PRESIDENT: It seems to me you are only  
6 flooding us with words about matters that are not  
7 contested.  
8

9 MR. LOGAN: If the Tribunal please, at the  
10 time we requested these documents be excerpted we were  
11 told at that time that we could read any portion that  
12 the prosecution had omitted. They processed this docu-  
13 ment for us. We want to read it. It has never been  
14 offered before and out of two and a half pages that I  
15 would like to read the prosecution only points to  
16 about six lines which they say is in evidence before.  
17 Certainly we are entitled to have Secretary Hull's  
18 testimony wherein he sets forth the reasons why certain  
19 acts were done and compare that with other testimony  
20 which has been offered.

21 BRIGADIER QUILLIAM: May it please the Tribunal,  
22 I did only point to one because I thought that would  
23 be a useful illustration, but if we take the first  
24 paragraph dealing with the decision not to put the  
25 Neutrality Act into operation, evidence has been given  
about that. The determination that the Treaty of

1 Commerce and Navigation in 1939 is another matter about  
2 which there has been a wealth of evidence. That is in  
3 the next paragraph.

4 THE PRESIDENT: By a majority the Court  
5 overrules the objection and admits the document but  
6 we do ask you to read only what is absolutely necessary  
7 from your viewpoint.

8 CLERK OF THE COURT: Defense document 2007  
9 will receive exhibit No. 2840.

10 (Whereupon, the document above  
11 referred to was marked defense exhibit  
12 2840 and received in evidence.)

13 MR. LOGAN: I shall read exhibit 2840. I  
14 shall omit the first paragraph.

15 The second paragraph: "On July 26, 1939  
16 our Government notified the Japanese Government of  
17 its desire to terminate the Treaty of Commerce and  
18 Navigation of 1911. It was felt that this treaty was  
19 not affording adequate protection to American commerce  
20 either in Japan or in Japanese occupied portions of  
21 China, while at the same time the operation of the  
22 most-favored-nation clause of the treaty was a bar to  
23 the adoption of retaliatory measures against Japanese  
24 commerce. The treaty therefore terminated on January  
25 26, 1940, and the legal obstacle to our placing

1           restrictions upon trade with Japan was thus removed.

2           "Beginning in 1938 our Government placed in  
3           effect so-called 'moral embargoes' which were adopted  
4           on the basis of humanitarian considerations. Following  
5           the passage of the Act of July 2, 1940 restrictions  
6           were imposed in the interests of national defense on  
7           an ever-increasing list of exports of strategic mater-  
8           ials. These measures were intended also as deterrents  
9           and expressions of our opposition to Japan's course of  
10          aggression.

11          "Throughout this period the United States  
12          increasingly followed a policy of extending all feas-  
13          ible assistance and encouragement to China. This  
14          took several different forms, including diplomatic  
15          actions in protest of Japan's aggression against China  
16          and of Japan's violation of American rights. Loans  
17          and credits aggregating some two hundred million  
18          dollars were extended in order to bolster China's  
19          economic structure and to facilitate the acquisition  
20          by China of supplies. And later lend-lease and other  
21          military supplies were sent to be used in China's re-  
22          sistance against Japan.

23  
24          "During these years we had kept before the  
25          Japanese all these doctrines and principles in the  
             most tactful and earnest manner possible, and at all

1 times we had been careful not to make threats. I said  
2 that I had always felt that if a government makes a  
3 threat it ought to be ready to back it up. We had been  
4 forthright but we had been as tactful as possible.

5 "We had in mind doing everything we could to  
6 bring about a peaceful, fair and stabilizing settlement  
7 of the situation throughout the Pacific area. Such a  
8 course was in accordance with the traditional attitudes  
9 and beliefs of the American people. Moreover, the  
10 President and I constantly had very much in mind the  
11 advice of our highest military authorities who kept  
12 emphasizing to us the imperative need of having time to  
13 build up preparations for defense vital not only to the  
14 United States but to many other countries resisting  
15 aggression. Our decision to enter into the conversa-  
16 tions with the Japanese was, therefore, in line with  
17 our need to rearm for self-defense.

18 "The President and I fully realized that the  
19 Japanese Government could not, even if it wished,  
20 bring about an abrupt transformation in Japan's course  
21 of aggression. We realized that so much was involved  
22 in a reconstruction of Japan's position that implementa-  
23 tion to any substantial extent by Japan of promises to  
24 adopt peaceful courses would require a long time. We  
25 were, therefore, prepared to be patient in an endeavor

1 times we had been careful not to make threats. I said  
2 that I had always felt that if a government makes a  
3 threat it ought to be ready to back it up. We had been  
4 forthright but we had been as tactful as possible.

5 "We had in mind doing everything we could to  
6 bring about a peaceful, fair and stabilizing settlement  
7 of the situation throughout the Pacific area. Such a  
8 course was in accordance with the traditional attitudes  
9 and beliefs of the American people. Moreover, the  
10 President and I constantly had very much in mind the  
11 advice of our highest military authorities who kept  
12 emphasizing to us the imperative need of having time to  
13 build up preparations for defense vital not only to the  
14 United States but to many other countries resisting  
15 aggression. Our decision to enter into the conversa-  
16 tions with the Japanese was, therefore, in line with  
17 our need to rearm for self-defense.

18 "The President and I fully realized that the  
19 Japanese Government could not, even if it wished,  
20 bring about an abrupt transformation in Japan's course  
21 of aggression. We realized that so much was involved  
22 in a reconstruction of Japan's position that implementa-  
23 tion to any substantial extent by Japan of promises to  
24 adopt peaceful courses would require a long time. We  
25 were, therefore, prepared to be patient in an endeavor

1 to persuade Japan to turn from her course of aggression.  
2 We carried no chip on our shoulder, but we were  
3 determined to stand by a basic position, built on  
4 fundamental principles which we applied not only to  
5 Japan but to all countries.

6 "Accordingly, on July 26, 1941, President  
7 Roosevelt issued an executive order freezing Chinese  
8 and Japanese assets in the United States. That order  
9 brought under the control of the Government all fin-  
10ancial and import and export trade transactions in  
11 which Chinese or Japanese interests were involved.  
12 The effect of this was to bring about very soon virtual  
13 cessation of trade between the United States and Japan.  
14

15 "On August 6 the Japanese Ambassador presented  
16 a proposal which he said was intended to be responsive  
17 to the President's proposal regarding neutralization  
18 of Indo-China. In essence, the Japanese proposal was  
19 that:

20 "1. The Japanese Government should undertake  
21 to refrain from stationing troops in regions of the  
22 Southwest Pacific, to withdraw from French Indo-China  
23 after 'settlement of the China incident,' to guarantee  
24 Philippine neutrality, and to cooperate in the produc-  
25 tion and procurement of natural resources in East Asia  
essential to the United States; and

1                    "2. The United States should undertake  
2                    to 'suspend its military measures in the Southwestern  
3                    Pacific areas' and to recommend similar action to the  
4                    Governments of the Netherlands and Great Britain, to  
5                    cooperate in the production and procurement of natural  
6                    resources in the Southwestern Pacific essential to  
7                    Japan, to take measures to restore normal commerce  
8                    between the United States and Japan, to extend its  
9                    good offices toward bringing about direct negotiations  
10                  between Japan and the Chungking Government, and to  
11                  recognize Japan's special position in Indo-China even  
12                  after withdrawal of Japanese troops."

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1 I now call the witness, ISHIBASHI, Tansan.

2 T A N S A N   I S H I B A S H I , called as a  
3 witness on behalf of the defense, being first  
4 duly sworn, testified through Japanese inter-  
5 preters as follows:

6 DIRECT EXAMINATION

7 BY MR. LOGAN:

8 Q Will you tell the Tribunal your name and  
9 address?

10 A My name is ISHIBASHI, Tansan. My address  
11 is Tokyo-to, 810 Shirai 3-Chome, Edogawa-ku, Tokyo.

12 Q Will you examine this document 1762 and  
13 exhibits attached thereto which is now being handed  
14 to you by Captain Van Meter, and tell us if that is  
15 your affidavit?

16 A This affidavit was written by me.

17 Q Are the statements therein contained accurate  
18 and true?

19 A Yes.

20 MR. LOGAN: I offer in evidence defense  
21 document 1762 and the exhibits attached thereto.

22 THE PRESIDENT: Mr. Comyns Carr.

23 MR. COMYNS CARR: May it please the Tribunal,  
24 the prosecution objects to the whole of this

1 affidavit which consists of twenty-seven pages of  
2 affidavit and twenty-three pages of exhibits, fifty  
3 in all. Every word of it, in our submission, is  
4 irrelevant and deals with matters which have al-  
5 ready been ruled by this Tribunal to be irrelevant.

6 After devoting no less than four pages to  
7 his career, chiefly as a journalist, the witness  
8 proceeds to a section about overpopulation and food  
9 shortage in Japan --

10 THE PRESIDENT: Both of which are conceded.

11 MR. COMYNS CARR. Both of which are con-  
12 ceded. And the Tribunal has rejected documents  
13 further elaborating that matter already.

14 The next section deals with steps taken by  
15 Japan for coping with the above-mentioned diffi-  
16 culties and in addition to a speech by President  
17 Truman in 1947 which is solemnly exhibited to the  
18 affidavit, there are twenty-odd pages of statistics  
19 exhibited and also summarized in the affidavit,  
20 relating to the agricultural and industrial history  
21 of Japan from 1882 onwards.

22 Then there is a section dealing with the  
23 growth of trade in Japan from very early times,  
24 1899 onwards.

1           Then there is a section dealing with what  
2         is called foreign pressure on Japanese goods, which  
3         merely goes country by country into the tariff  
4         history of the past thirty years, which the Tribunal  
5         has already ruled to be irrelevant.

6           THE PRESIDENT: The question is, if you  
7         are short of goods can you help yourself to your  
8         neighbors'? No doubt Japan was short of food, short  
9         of territory, and the question is, did that justify  
10        resort to war? That is another question.

11           MR. COMYNS CARR: The affidavit ends up by  
12         saying that after the conclusion of the Tripartite  
13         Alliance, the situation rapidly grew worse. Down  
14         to that point, the affidavit has been dealing wholly  
15         with general industrial and agricultural history,  
16         and that last page merely summarized what we have had  
17         over and over again about the freezing of assets,  
18         and so on.

19           In our submission, the tendering of such an  
20         affidavit shows a disrespect to the views repeatedly  
21         expressed by this Tribunal.

23           THE PRESIDENT: Mr. Logan.

24           MR. LOGAN: If the Tribunal please, the  
25         history of Mr. ISHIBASHI shows he is an expert

1           economist, not a journalist. The length of his  
2           affidavit is no grounds for objection that I know  
3           of, and we have tried to oppose in twenty pages what  
4           Liebert took over 100 pages of his own testimony  
5           irrespective of the charts that were submitted.  
6           I do not intend to read the charts. They were put  
7           in the affidavit in accordance with the Tribunal's  
8           ruling that the source of our information must be  
9           shown when reports are referred to.

10           The entire affidavit is offered for the  
11           purpose of showing that Liebert's testimony and the  
12           claims made by the prosecution that Japan was pre-  
13           paring for an aggressive war are without fact.  
14

15           The purpose of this affidavit is not directed to  
16           the issue raised by Mr. President as to whether or  
17           not when a country is short of goods it should help  
18           itself to its neighbors'. It is directed to show that  
19           the industrialization of Japan was not for the  
20           purpose of waging, planning, an aggressive war.  
21           Its background has been laid to show the necessity  
22           for industrialization, and the facts and figures  
23           clearly show that the civilian economy of Japan was  
24           dependent on this industrialization. It was not  
25           evolved for any purpose of planning or preparing

ISHIBASHI

DIRECT

25,417

1 for an aggressive war.

2           The facts and figures presented in this  
3 affidavit show a picture that Japanese civilian  
4 economy was going along and progressing in a  
5 normal way, and that there was no preparation for  
6 aggressive war in its industrialization as  
7 claimed by the prosecution. In other words, the  
8 prosecution tried to paint a picture that certain  
9 plants which might or which were being used for  
10 creation of munitions of war, when they increased  
11 rapidly, they drew the conclusion that it was pre-  
12 paration for aggressive war. These facts and figures  
13 show that industrial economy increased at the same  
14 time. This entire industrial picture as presented  
15 here will, I am sure, show that there was absolutely  
16 no planning and preparation for aggressive war, as  
17 claimed by the prosecution. It is directly in issue.  
18

19           We also show by this affidavit the effect  
20 of the economic pressure on Japan, which goes to  
21 our affirmative defense. In other words, the out-  
22 side pressure is brought right home in this affi-  
23 davit as to the effect it had on Japanese, not only  
24 civilian economy, but all types of economy.

25           With respect to President Truman's speech,  
that has been offered, as I understand it, to bear

1 out the reasons and the circumstances which are  
2 the same today as they were at that time.

3 We have endeavored through this affidavit  
4 to comply with the Tribunal's wishes, and we do not  
5 try deliberately to do something which the Tribunal  
6 does not want us to do, as my friend claims, but  
7 the Tribunal suggested that instead of getting  
8 authors, to bring a witness here who knows the facts,  
9 and present them. Here he is.

10 THE PRESIDENT: By a majority, the Court  
11 sustains the objection and rejects the document.  
12

13 We will recess for fifteen minutes.

14 (Whereupon, at 1050, a recess was  
15 taken until 1105, after which the proceedings  
16 were resumed as follows:)

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1 out the reasons and the circumstances which are  
2 the same today as they were at that time.

3 We have endeavored through this affidavit  
4 to comply with the Tribunal's wishes, and we do not  
5 try deliberately to do something which the Tribunal  
6 does not want us to do, as my friend claims, but  
7 the Tribunal suggested that instead of getting  
8 authors, to bring a witness here who knows the facts,  
9 and present them. Here he is.

10 THE PRESIDENT: By a majority, the Court  
11 sustains the objection and rejects the document.  
12

13 We will recess for fifteen minutes.  
14

15 (Whereupon, at 1050, a recess was  
16 taken until 1105, after which the proceedings  
17 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Logan.

4 MR. LOGAN: If the Tribunal please, I realize  
5 it is difficult for the President to know the reasons  
6 why the other Members of the Tribunal vote on  
7 admissibility of a piece of evidence. But I wonder  
8 if we could have some indication as to why this last  
9 document was rejected, because we view this document  
10 with great importance as completely answering Liebert's  
11 testimony.

12 THE PRESIDENT: Well, I gave you my  
13 reasons. I think I can safely say for the majority  
14 of my colleagues they held the view that the document  
15 was either irrelevant or redundant. One, at least, so  
16 expressed himself.

17 MR. LOGAN: We had presented the facts, if  
18 the Tribunal please, with regard to the development  
19 of industrialization in Japan and the outside pressure,  
20 and this was the effect of the pressure on Japan, and  
21 also to show that the industrialization was not for  
22 preparation for war, as prosecution contends, and it  
23 directly answers Liebert's testimony on all the points  
24 raised in the affidavit. In other words--

25 THE PRESIDENT: Japan's industrialization is

1 notorious, a matter of common knowledge, and the  
2 affidavit disclosed no more. The purpose of it may have  
3 been, of course, innocent to some extent. You can only  
4 judge the purpose by the use to which it is put  
5 eventually. The need for industrialization here in  
6 Japan was clear. All these things need not be proved.  
7 We know them all. They appear already in the prosecu-  
8 tion's evidence to a sufficient extent.

9 MR. LOGAN: We did not intend by this affi-  
10 davit to go into the question of the use to which it  
11 was put. It was to answer Liebert's contention, that  
12 there was no preparation for waging aggressive war, as  
13 he contended. Also--

14 THE PRESIDENT: The debate is closed.

15 BY MR. LOGAN (Continuing):

16 Q Mr. ISHIBASHI, will you examine defense docu-  
17 ment 1762-A which is now being handed to you by the  
18 clerk, and tell us whether or not that is your affidavit?

19 A This affidavit was written by me.

20 Q And are the statements contained therein  
21 accurate and true?

22 A Yes.

23 MR. LOGAN: I offer in evidence defense  
24 document 1762-A.

25 THE PRESIDENT: There is no objection. It is

ISHIBASHI

DIRECT

25,421

admitted on the usual terms.

CLERK OF THE COURT: Defense document 1762-A,  
with appendices numbered 18, 19 and 20, will receive  
exhibit No. 2841.

(Whereupon, the document above  
referred to was marked defense exhibit  
No. 2841 and received in evidence.)

MR. LOGAN: Exhibit 2841, affidavit of  
ISHIBASHI, Tansan:

"Japan's Finance and War Expenditures.

"Japan experienced an era--"

Before I read this, may the Court take judicial notice of Mr. ISHIBASHI's qualifications as contained in the previous affidavit?

THE PRESIDENT: Let him state now what they are, Mr. Logan.

MR. LOGAN: Perhaps I could read them much faster.

"I, ISHIBASHI, Tansan, was born in Tokyo in September, 1884, graduated in 1907 from WASEDA University, majoring in philosophy in the department of literature, and immediately took a post-graduate course in philosophy in the same university.

"In 1908 I obtained a position on the editorial staff of THE TOKYO MAINICHI NEWSPAPER PUBLISHING

## 1 COMPANY.

2 "In 1911 I secured a position on the editorial  
3 staff of THE TOYO KEIZAI SHINPO PUBLISHING COMPANY.  
4 This publishing company was established in 1895 for  
5 the purpose of supplying the educated classes of the  
6 Japanese people with correct knowledge of economics  
7 and up-to-date information on world topics. It has  
8 since devoted itself to the publication of economic  
9 periodicals such as THE TOYO KEIZAI SHINPO (Oriental  
10 Economic Reports) (weekly), THE ORIENTAL ECONOMIST  
11 (monthly, later weekly), NIHON KEIZAI NENPO (Japan's  
12 Yearly Economic Reporters) (quarterly), GAIKOKU BOEKI  
13 GEPPPO (Foreign Trade Monthly), etc., and also of books  
14 on economic subjects, as well as the compilation  
15 and publication of statistical books such as Meiji and  
16 Taisho Japan Almanac (1927), Foreign Trade of Japan, a  
17 statistical survey (1935), Meiji and Taisho Financial  
18 Almanac (1927) and Toyo Keizai Statistical Yearbook  
19 (from 1916 yearly). THE TOYO KEIZAI SHINPO (Oriental  
20 Economic Reports) was started in 1895 after the style  
21 of THE ECONOMIST published in London. It is the oldest  
22 economic periodical in Japan and has, ever since its  
23 foundation, been regarded as the best and most trust-  
24 worthy of periodicals in the industrial and economic  
25 world of Japan.

ISHIBASHI

DIRECT

25,423

"In 1914 I became the Chief of the editorial staff of the same publishing company, and in 1924 manager of the same company. In 1925, after the reorganization of the company I became its president. For 34 years I had been most closely connected with the editing of the aforesaid TOYO KEIZAI SHINPO (Oriental Economic Reports), until May, 1946.

"In July, 1931, I had the Keizai Club (Economic Club) organized in Tokyo and then in Osaka, Nagoya, and various other cities throughout the country, by getting together the leading businessmen of each city for the purpose of their joint study of economic questions. As chairman of the board of directors of the central Economic Club, I took the leadership of these clubs.

"From April 1925 to July 1932" -- there is a translation error there -- "I lecture on economics at the YOKOHAMA KOGYO SENMON GAKKO (Yokohama Industrial College).

"In June 1943 I founded the KINYU GAKKAI (Financial Institute), as an organ for financiers and technical experts of the country to study financial questions. Its headquarters were in the office and building of the TOYO KEIZAI SHINPO PUBLISHING COMPANY and as acting director of the Institute, I devoted

ISHIBASHI

DIRECT

25,424

myself to the leadership and promotion of its activity.

"In 1934, I started an English Magazine, THE ORIENTAL ECONOMIST, of which I became editor-in-chief. This magazine portrayed the economic conditions of Japan as well as of the East in general. The magazine soon obtained many appreciative readers abroad who considered it as the most fair-minded and trustworthy economic magazine published in Japan. Even after the outbreak of the Pacific War in 1941, and consequent stoppage of communications with the Western countries, it was, by the request of the League of Nations, continuously forwarded to Geneva.

"Since 1935, representing the financial circles of Japan, I have held 21 different memberships in various committees and councils in the cabinet, Finance Office, and Commerce and Industry Office of the Japanese Government.

"In May, 1946, I was appointed Finance Minister in the YOSHIDA cabinet. In January, 1947, I was appointed managing head of the Economic Stabilization Office and head of the Prices Board, and on March 20, 1947, resigned from the same offices. On the resignation en bloc of the YOSHIDA Cabinet on May 24, 1947, I resigned from the office of Finance Minister."

ISHIBASHI

DIRECT

25,425

I shall not read the essays and various  
publications.

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1 Now, reverting to exhibit 2841, "Japan's  
2 Finance and War Expenditures."

3 "1. Japan experienced an era of severe  
4 deflation from 1929 to 1931, which was due to the  
5 policy deliberately adopted by the Government for the  
6 purpose of restoring the gold standard. For this  
7 purpose, the Government since 1929 did everything in  
8 its power to cut down financial expenditures. The  
9 expenditure of ¥1,815,000,000 for the fiscal year  
10 of 1928 was reduced to ¥1,477,000,000 in 1931.

11 (Appendix table No. 18). The Japanese Government  
12 intended by this policy to reduce prices of commodi-  
13 ties in Japan in order to cope with the depression  
14 that had been prevailing throughout the world at that  
15 time, and thus to make Japan's foreign trade properly  
16 balanced.

17 "The policy mentioned above, however, pre-  
18 cipitated Japan's economy into extreme difficulties  
19 and gave rise to political dangers. Moreover, with  
20 the suspension of the gold standard in Great Britain  
21 in September 1931 it became clear that Japan also  
22 could no longer continue the deflation policy. Con-  
23 sequently, in December of the same year, the cabinet  
24 was changed and the new cabinet (The INUKAI cabinet)  
25 immediately suspended the gold standard and attempted

1 to make a new departure from the old policy.

2 "The policy which which was followed by the  
3 new cabinet after 1932 was the so-called 'reflation  
4 policy.' The term 'reflation,' however, being un-  
5 familiar to the general public at that time, it was  
6 called an inflation policy. The Government increased  
7 financial expenditures beginning with the fiscal year  
8 1932 and encouraged more demand for goods and labor, and  
9 thus tried to put into actual practice the so-called  
10 'full employment.' On account of this policy, prices  
11 of commodities within the country rose and the business  
12 conditions improved. Moreover, as the government per-  
13 mitted simultaneously a fall of the exchange rate of  
14 the yen to a certain extent, the export of Japanese  
15 goods was made easier and again this brought about  
16 greater demand for goods and labor.  
17

18 "The expenditures of the Japanese Government,  
19 as described above, decreased from the fiscal year of  
20 1929 to that of 1931, but by the foregoing policy, they  
21 started to increase after the 1932 fiscal year. In  
22 other words, according to Table 18, the total of the  
23 expenditures which were ¥1,477,000,000 in 1931, rapidly  
24 increased since 1932 and expanded to ¥2,255,000,000 in  
25 1933. Since then, however, up to 1936, i. e., the year  
before the outbreak of the China Incident,

ISHIBASHI

DIRECT

25,428

1 there was hardly any increase in the expenditures  
2 but even some decrease was witnessed both in 1934 and  
3 1935. This was because the objective of this 'reflation'  
4 had been sufficiently accomplished by the financial  
5 expansion to this extent. At the same time, the  
6 fact that the expansion of the financial expenditure  
7 had been checked since 1934 indicates that the Japanese  
8 Government at that time expected to maintain the peace-  
9 ful relation with other countries. And the fact that  
10 the extent of the financial expansion during the eight  
11 years from 1920 to 1928 was ¥455,000,000 (35.5%), as  
12 against almost the equal amount of ¥467,000,000 (25.7%)  
13 for the eight years from 1928 to 1936, shows that it  
14 was no abnormal phenomenon but was aimed at 'reflation.'

15 "However, a complete change was brought about  
16 in the financial state of affairs in Japan after July  
17 1937 with the outbreak of hostilities with China. It  
18 no longer aimed at 'reflation,' but entered completely  
19 into a state of de facto war. The Emergency Military  
20 Special Account was established, and the financial  
21 expenditures rapidly expanded.

22 "2. Reviewing the shift of Japan's military  
23 expenditures, as shown in Table 19, it can be seen  
24 that these totaled ¥731,000,000 in the fiscal year of  
25 1921, decreased annually until it dropped to ¥434,000,000

ISHIBASHI

DIRECT

25,429

1       in the 1926 fiscal year. There was then a little  
2       increase and yet the figure for the fiscal year of  
3       1931 was no more than ¥455,000,000 which was far below  
4       the sum for the 1921 fiscal year. It was in 1921 that  
5       the Naval Disarmament Conference was held in Washington,  
6       and, in addition a deflation policy was followed after  
7       1929, all of which contributed to the reduction of  
8       military expenditures.

9             Indeed, those ten years were the era of  
10          disarmament. This fact was shown very clearly in the  
11          reduction of the extraordinary expenditures of the  
12          Army and Navy because the replenishment or the expansion  
13          of armaments could depend only on these extraordinary  
14          expenditures. As shown in table 19, the Army extra-  
15          ordinary expenditures decreased year by year from 120  
16          million yen in the 1919 fiscal year to only 27 million  
17          yen in the 1924 fiscal year. It increased a little  
18          thereafter; however, it again dropped down to 26  
19          million yen in the 1930 fiscal year. The Navy extra-  
20          ordinary expenditures, which were 343 million yen for  
21          the fiscal year of 1921, rapidly decreased after the  
22          next year, and dropped down to only 107 million yen for  
23          the fiscal year of 1925. It showed a slight increase  
24          thereafter, however, started to decrease again after  
25          the 1928 fiscal year, dropping down to only 88 million

ISHIBASHI

DIRECT

25,430

yen for the fiscal year 1931.

"It was in September of 1931, when the Manchurian Incident occurred, but it should be noticed that both the Army and the Navy extraordinary expenditures for the fiscal year of 1931 were smaller in amount than those for 1928. In the total of the Army and Navy expenditures as shown in table 19, it was 517 and 495 million yen, respectively, for the fiscal year of 1928 and 1929, while 455 million yen for the fiscal year of 1931.

"Beginning with the 1932 fiscal year and up to 1940, the Army and Navy extraordinary expenditures showed some trend of gradual expansion. However, much increase is not noticeable. As an examination of the figures in table 19 shows, the Army extraordinary expenditures increased from 225 million yen in the 1932 fiscal year to 319 million yen in the 1936 fiscal year, and that of the navy also expanded from 172 million yen to 331 million within the same period of time. But, in judging this increase of the Army expenditures, expenses for the military movements by the Army in Manchuria within this period should be taken into consideration. The amount of the Navy extraordinary expenditures for the fiscal year of 1936 were 331 million yen, a smaller amount than 343 million yen for

ISHIBASHI

DIRECT

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the 1921 fiscal year. The Army and the Navy extraordinary expenditures did not witness a very rapid increase even after the outbreak of the China Incident in 1937. That of the Army increased once in the 1931 fiscal year to 431 million yen; however, in the 1938 fiscal year it even decreased to 357 million yen, while that of the Navy came up to 764 million yen in the 1940 fiscal year.

"3. The Emergency Military Special Account also did not witness a rapid increase until 1940 following its establishment in 1937. Reviewing the arms expenses thereof, as shown in table 20, those of the Army went up to 1,829,000,000 yen in the 1938 fiscal year which was the largest amount it attained before the Pacific War and from this decreased to 1,347,000,000 yen in the 1940 fiscal year, and that of the Navy showed a decrease in the 1939 fiscal year from 668 million yen for the fiscal year of 1938 which was the largest amount it attained before the Pacific War. The latter showed some increase again in the 1940 fiscal year, but only to the extent of 794 million yen.

"However, after the 1941 fiscal year the arms expenses for both the Army and the Navy suddenly jumped up to such a great amount as could not be compared to those of 1940. The same great expansion is also

ISHIBASHI

DIRECT

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1 indicated by the changes in the total of the military  
2 expenditures since 1941, according to table 19. Judging  
3 from the above facts, it can be seen how the Army and  
4 the Navy of Japan began their armament expansion with  
5 the outbreak of the Pacific War in the manner of  
6 'after death the doctor.'

7 "On this 29th day of July 1947.

8 "At Asahigaoka, Yamanashi Prefecture."

9 Signed, "ISHIBASHI, Tansan."

10 I would like to have those charts spread in  
11 the transcript without reading them, if the Tribunal  
12 please.

13 You may examine.

14 THE PRESIDENT: Brigadier Quilliam.

15 BRIGADIER QUILLIAM: May it please the Tribunal,  
16 there will be no cross-examination.

17 MR. LOGAN: May the witness be released on the  
18 usual terms.

19 THE PRESIDENT: He is released accordingly.

20 ("hereupon, the witness was  
21 excused.)

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1                   MR. LOGAN: We next offer defense document  
2 401(12). This document shows the expansion in arma-  
3 ments undertaken by the United States in its national  
4 defense programs of 1933 and 1934.

5                   THE PRESIDENT: Mr. Tavenner.

6                   MR. TAVENNER: If it please the Tribunal,  
7 the prosecution objects to the introduction of this  
8 document on the ground that it is irrelevant and  
9 immaterial. The increase of the Army in 1935 to  
10 165,000 enlisted men for defensive purposes and  
11 the bringing of the Navy up to the treaty strength  
12 in parity with other nations for defensive purposes  
13 were acts which the United States had the legal  
14 right and duty to perform.

15                  It places the prosecution in a peculiar  
16 position to object to a document which shows that  
17 the action of the United States was for defensive  
18 purposes. The same situation will be found to exist  
19 with many of the other documents in this section.

20                  THE PRESIDENT: The Tribunal cannot say  
21 what the purpose was. At this stage, it must hear  
22 both sides.

23                  MR. TAVENNER: Notwithstanding the fact that  
24 this and similar documents did not adversely effect  
25 the prosecution, we nevertheless feel that we should

1 object on the ground that it is not directed to a  
2 material issue at this point and that to admit it  
3 would only prolong the length of this record.

4 THE PRESIDENT: Well, suppose the defense  
5 tendered a document -- and they could in a couple  
6 of pages -- showing the relative strength of Japan  
7 and the Allied Powers, the armies, navies, and air  
8 forces, over a period of a year just before the  
9 war, what objection would there be to it? They can  
10 not show that their own army, navy, and air force  
11 was more than sufficient or was not more than suf-  
12 ficient unless they show what were the respective  
13 forces of the other powers.

14 MR. TAVENNER: But to show that the Army  
15 of the United States and the Navy was increased for  
16 defense purposes could certainly not be directed to  
17 any issue in this case.

18 THE PRESIDENT: But, are we to say, "Oh,  
19 this American stuff was directed to defense; your  
20 Japanese preparations were directed to aggression."  
21 We are a Tribunal. We cannot take that stand at  
22 this stage. We have to hear all the evidence.

23 MR. TAVENNER: Well, that is proof that the  
24 defense offer in this document, that it was for  
25 defense purposes.

1           THE PRESIDENT: That is a pet expression,  
2 perhaps, that nations employ when they mean something  
3 else.

4           The objection is overruled and the document  
5 admitted on the usual terms.

6           CLERK OF THE COURT: Defense document 401(12)  
7 will receive exhibit No. 2842.

8           (Whereupon, the document above  
9 referred to was marked defense document  
10 No. 2842 and received in evidence.)

11          MR. LOGAN: I shall read defense exhibit  
12 2842, an excerpt from "Peace and War:"

13          "NATIONAL DEFENSE

14          "In 1933 the enlisted strength of the United  
15 States Army was 115,000 men. As a result of reduc-  
16 tions in governmental expenditures the War Depart-  
17 ment appropriation act of March 4, 1933 provided  
18 only \$270,000,000 for the military activities of the  
19 Army -- a sharp reduction from the amount made avail-  
20 able for similar purposes during the previous year.  
21 General Douglas MacArthur, Chief of Staff, stated in  
22 his annual report of 1933 that successive reductions  
23 in appropriations had seriously injured the equipment  
24 and training of the Army. He said that the strength  
25 of the Army in personnel and equipment and its

1 readiness for employment were 'below the danger line.'

2 "In 1943 General MacArthur recommended a pro-  
3 gram of expansion for the Army; the accomplishment of  
4 this program, he said, would still leave us far be-  
5 hind all other major powers but would at least offer  
6 the United States 'a justified assurance in freedom  
7 from attack or, at the worst, from extreme conse-  
8 quences in the event of attack.'

9 "The War Department appropriation act of  
10 April 1935 authorized an increase of the Army to  
11 165,000 enlisted men. In his report of 1935 General  
12 MacArthur said that measures had been undertaken to  
13 procure additional airplanes, motorized vehicles,  
14 tanks, and artillery, in most of which the Army's  
15 supplies had become obsolete or inadequate.

16 "By 1933 the United States Navy, in up-to-  
17 date ships, had fallen far below the tonnage allowed  
18 by treaty. In that year President Roosevelt allo-  
19 cated funds from the National Industrial Recovery  
20 Act for the purpose of constructing and equipping 32  
21 naval vessels. The Secretary of the Navy reported  
22 in 1933 that no such building program had been under-  
23 taken by this country since 1916; that of the signa-  
24 tories to the naval treaties we alone had not under-  
25 taken an orderly building program designed to bring

1                   the Navy up to treaty strength. He recommended an  
2                   orderly annual naval building and replacement pro-  
3                   gram which would 'shortly give this country a treaty  
4                   navy.' He stated that the United States continued to  
5                   strive for a reduction of armament by agreement but  
6                   that the time had come when we could no longer afford  
7                   to lead in disarmament by example. Other powers had  
8                   not followed such a policy, he said, with the result  
9                   that the United States found its relative naval  
10                  strength seriously impaired. He said that our weaken-  
11                  ed position jeopardized the cause of peace, 'because  
12                  balanced armament fortifies diplomacy and is an  
13                  important element in preserving peace and justice,  
14                  whereas undue weakness invites aggressive, war-breeding  
15                  violation of one's rights.'

16                  "During 1934 the Vinson Naval Bill was en-  
17                  acted, authorizing the construction of ships up to  
18                  the limits of the Washington and London Naval Treaties."

19                  We offer in evidence defense document 202-P-1  
20                  an excerpt from John B. Powell's book, "My 25 Years in  
21                  China," which shows that in 1936 plans were undertaken  
22                  for the defense of the Philippines.

23                  THE PRESIDENT: Mr. Tavenner.

24                  MR. TAVENNER: If it please the Tribunal,  
25                  this document and the succeeding one, 202-P-2, deal

1 with the matter of the defense of the Philippines,  
2 and this second document, which I have mentioned,  
3 was rejected by the Tribunal at page 18,628 of the  
4 transcript. For the same reason, the document now  
5 being presented, 202-P-1, should be rejected as  
6 irrelevant and immaterial to any issue in this case.

7 THE PRESIDENT: Mr. Logan.

8 MR. LOGAN: I believe it is entirely rele-  
9 vant for the reason set forth by the President in  
10 answer to the objection to the last document.

11 THE PRESIDENT: I shall read this note:  
12 It is an absurdity as evidence. It proves nothing  
13 and should be rejected -- not a figure in it. Every  
14 country takes steps to defend itself.

15 The objection is upheld and the document  
16 rejected.

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1                   MR. LOGAN: We offer in evidence defense  
2 document 202-P-2, an excerpt from John B. Powell's  
3 book "My 25 Years in China" which shows the extent  
4 of the defense program undertaken for the defense  
5 of the Philippines in 1936. I might say that I  
6 did not know that this had been previously rejected.  
7 It may have been rejected at one time as not material  
8 to the particular phase of the case being offered,  
9 but it is material to this particular phase of the  
10 case.

11                  THE PRESIDENT: Mr. Tavenner.

12                  MR. TAVENNER: The prosecution submits that  
13 there is no better reason for admitting this document  
14 now than when it was rejected as previously stated.

15                  THE PRESIDENT: The objection is upheld and  
16 the document rejected.

17                  MR. LOGAN: We next offer in evidence defense  
18 document 401(22), a further excerpt from defense  
19 document No. 401, the official publication of the  
20 United States Government entitled Peace and War. This  
21 document shows that the United States armament program  
22 in 1937 and 1938 was further expanded in the light  
23 of the menacing world conditions at that time and the  
24 armament program undertaken by other countries.

25                  THE PRESIDENT: Mr. Tavenner.

1                   MR. TAVENNER: If the Tribunal please,  
2 the same objection is made to the introduction of  
3 this document as to the former one relating to the  
4 Philippines.

5                   THE PRESIDENT: This comes from a more  
6 reliable source.

7                   MR. TAVENNER: This document shows that it  
8 was the intention to strengthen the naval program  
9 for the defense of the United States and the fact  
10 that general proposals were made for military and  
11 naval rearmament could not justify an attack, aggressive  
12 attack by Japan. Unless some aggressive intention and  
13 action can be attributed to the United States in this  
14 matter, it certainly is irrelevant to any issue in  
15 this case. Every country strengthened its national  
16 defense just the same as they endeavored to enforce  
17 laws in their own country.

18                   THE PRESIDENT: The Court overrules the  
19 objection and admits the document.

20                   CLERK OF THE COURT: Defense document 401(22)  
21 will receive exhibit No. 2843.

22                   (Whereupon, the document above  
23 referred to was marked defense exhibit  
24 No. 2843 and received in evidence.)

25                   MR. LOGAN: I read exhibit 2843, an excerpt

from "Peace and War."

1           "EUROPEAN CRISIS 1938  
2           "United States Rearmament  
3           "As 1937 drew to a close the situation in  
4         the world became increasingly threatening. The  
5         hostilities between China and Japan raged with growing  
6         intensity; in Europe, Spain was torn by a civil struggle  
7         which threatened to turn into a general continental  
8         war. In November 1937 Italy joined Germany and Japan  
9         in the Anti-Comintern Pact. Meanwhile, Germany, arming  
10       at a feverish pace, was causing grave apprehension  
11       as to its intentions toward the European political  
12       structure.

14           "During this period there developed considerable  
15       public support in the United States for the adoption  
16       of a constitutional amendment requiring a popular  
17       vote as prerequisite to a declaration of war by the  
18       Congress. Both President Roosevelt and Secretary of  
19       State Hull at various times expressed their strong  
20       opposition to this proposal. On January 6, 1938 the  
21       President wrote to the Speaker of the House of  
22       Representatives that such an amendment would 'cripple  
23       any President in his conduct of our foreign relations'  
24       and 'would encourage other nations to believe that  
25       they could violate American rights with impunity.'

1 Secretary Hull on January 8 warned that the proposal  
2 would impair the ability of the Government to safeguard  
3 the peace of the people of the United States. On  
4 January 10 the proposal was voted on by the House  
5 of Representatives but was rejected by the close vote  
6 of 209 to 188.

7 "President Roosevelt recommended to Congress,  
8 in a special message of January 28, 1938, the  
9 strengthening of our national defense. The President  
10 reported with deep regret that armaments were increasing  
11 'at an unprecedented and alarming rate'. He called  
12 attention to the ominous fact that at least one fourth  
13 of the world's population was involved in 'merciless  
14 devastating conflict' in spite of the fact that most  
15 people in most countries wished to live at peace. As  
16 Commander in Chief of the Army and Navy, the President  
17 deemed it his constitutional duty to report to the  
18 Congress that the national defense of the United States  
19 was, in the light of the increasing armaments of other  
20 nations, inadequate for purposes of national security  
21 and therefore required increase. The President said  
22 that 'adequate defense' meant that for the protection  
23 not only of our coasts but also of our communities far  
24 removed from the coasts, we must keep any potential  
25 enemy many hundreds of miles away from our continental

1 limits. We could not assume, he stated, that our  
2 defense would be limited to one ocean and one coast  
3 and that the others would certainly be safe.

4 'Specifically and solely because of the piling up  
5 of additional land and sea armaments in other countries'  
6 the President recommended to Congress that authorizations  
7 be granted for substantial increases in military and  
8 naval armament. Included were recommendations for  
9 increasing by 20 percent the existing naval building  
10 program and for appropriations to lay down two additional  
11 battleships and two additional cruisers during 1938.  
12

13 "The President's proposals for military and  
14 naval rearmament were debated in Congress during the  
15 spring of 1938. Doubt was expressed in some quarters  
16 that the proposed naval increases were really necessary  
17 for the defense of the United States, and several Senators  
18 and Representatives voiced the suspicion that the  
19 contemplated naval increases were based on an agreement  
20 for naval cooperation with some other power, such as  
21 Great Britain. Secretary of State Hull took cognizance  
22 of these ideas in a letter to a member of Congress on  
23 February 10, 1938. He stated categorically his opinion  
24 that the proposed naval program was needed for the  
25 defense of the United States. Referring to the desire  
of the people and Government of the United States to

1 keep out of war, he said that those who, with a full  
2 sense of responsibility, were advocating this program,  
3 were doing so in the belief that its adoption would  
4 contribute to achieving this desire. Secretary Hull  
5 pointed out that the Navy, even with the proposed  
6 increases, would not be able to embark upon offensive  
7 or aggressive operations overseas.

8 "The secretary also declared that the proposed  
9 program did not contemplate naval cooperation with any  
10 other power in the world; that the policy of the United  
11 States was to avoid both extreme internationalism and  
12 extreme isolation; that, while avoiding alliances and  
13 entangling commitments, it was advisable to confer and  
14 exchange information with other governments having  
15 common objectives and, when practicable, to proceed  
16 on parallel lines. Finally, the Secretary said that if  
17 every peaceful nation insisted on remaining aloof  
18 from every other peaceful nation and on pursuing a policy  
19 of armament limitation without reference to relative  
20 armaments, the inevitable consequences would be to  
21 encourage and even to assist nations inclined to play  
22 lawless roles.

23 "The President's proposals for military and  
24 naval rearmament were substantially adopted by the  
25 Congress."

1 We now offer in evidence defense document  
2 1500-O-4 which is an excerpt from the testimony of  
3 Admiral Ingersoll.

4 This excerpt is offered for the purpose of  
5 showing that the United States and Great Britain were  
6 discussing potential collaboration in the event of  
7 war against Japan as early as December 1937.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If it please the Tribunal,  
10 there are two grounds of objection to this document.  
11 The first is that successfully asserted with regard  
12 to document 1500-E-5, that the matter related to in  
13 the document did not come to the attention of the  
14 Japanese officials until after the inquiry at Pearl  
15 Harbor and, therefore, if offered for the purpose of  
16 being an excuse or reason for action by Japan, it could  
17 not have had any bearing at the time Japan initiated  
18 aggressive warfare.

19 The second ground of objection is that as to  
20 the fact that the conference may have established. It  
21 is submitted that the fact of such a conference is not  
22 relevant or material in view of the purposes stated in  
23 the document. For two countries to discuss the  
24 possibility of joint action in the event they find  
25 themselves in war with the third country would certainly

1 not be relevant to the issues as they are drawn in  
2 this case.

3 THE PRESIDENT: I have in mind your evidence  
4 showing Japan's preparations for war and Japanese  
5 conversations with the Germans and the Italians as  
6 to what should be done in the event of a war with a  
7 third power. Having admitted that evidence of the  
8 prosecution, can we logically exclude the same evidence  
9 from the defense, the same kind of evidence?

10 MR. TAVENNER: I think the prosecution showed  
11 beyond question the aggressive intention and purposes  
12 of Japan in the first instance.

13 THE PRESIDENT: We will tell you what we think  
14 about that in our judgment, if necessary.

15 MR. TAVENNER: Now, I do not understand that  
16 the defense contend that the United States was guilty  
17 of aggressive warfare against Japan or intended to  
18 aggressively enter into aggressive warfare with Japan,  
19 though that seems to be the heading of the order of  
20 proof which is now being presented, but counsel has not  
21 stated that in the evidence -- in his statement.

22 THE PRESIDENT: Having given us his order of proof,  
23 he assumes, rightly, that we know.

24 By a majority the objection is overruled and  
25 the document admitted.

CLERK OF THE COURT: Part 9 of the official  
1 publication entitled "Pearl Harbor Attack" will receive  
2 exhibit No. 2844, for identification only and the  
3 excerpt therefrom, bearing defense document No.  
4 1500-0-4, will receive exhibit No. 2844-A.  
5

(Whereupon, the document above  
6 referred to was marked defense exhibit  
7 No. 2844 for identification; the  
8 excerpt therefrom being marked exhibit  
9 No. 2844-A and received in evidence.)  
10

THE PRESIDENT: Read this after lunch, Mr.  
11 Logan.

We will adjourn until half-past one.  
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(Whereupon, at 1200, a recess was taken.)  
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1                   THE MARSHAL: The International Military  
2                   Tribunal for the Far East is now resumed.

3                   THE PRESIDENT: Mr. Logan.

4                   MR. LOGAN: If your Honor please, I was  
5                   reading Exhibit 2844A, excerpts from testimony of  
6                   Admiral R. E. Ingersoll, February 12, 1946, before  
7                   the Joint Committee on the Investigation of the  
8                   Pearl Harbor Attack:

9                   "Mr. GEARHART. When did that occur?

10                  "Admiral INGERSOLL: Just to show again how  
11                  memory can trick a person, Admiral Richardson, I read  
12                  in the paper, had testified that I went to London in  
13                  1940 when I was Assistant Chief of Naval Operations  
14                  and when Admiral Stark was Chief of Naval Operations.  
15                  As a matter of fact, I went in December, very late  
16                  in December of 1937, when I was Director of the War  
17                  Plans Division and when Admiral Leahy was Chief of  
18                  Naval Operations. Admiral Richardson was perfectly  
19                  sincere in what he said.

20                  "Mr. GEARHART: Well, that was pretty early,  
21                  before events began to develop."

22  
23                  "Admiral INGERSOLL: There were two purposes.  
24                  The primary purpose was to investigate and to talk  
25                  with the British Admiralty officials as to what we

1 could do if the United States and Japan were to find  
2 themselves at war with Japan in the Pacific.

3 "Mr. RICHARDSON: United States and England.

4 "Admiral INGERSOLL: United States and  
5 England would find themselves at war with Japan in  
6 the Pacific, to explore all the means, what means  
7 could be used, what arrangements it would be necess-  
8 ary to make in regard to command relationships, in  
9 regard to communicating with each other, of establish-  
10 ing liaison officers and preparing certain codes and  
11 ciphers, and so forth."

12

13 "Mr. GEARHART: Were the assumptions upon  
14 which these conversations were based that the United  
15 States and Britain would be in war together?

16 "Admiral INGERSOLL: The assumption was that  
17 the United States and Great Britain might find them-  
18 selves both at war with Japan in the Pacific.

19 "Mr. GEARHART: And your purpose in going  
20 there was to work out a tentative plan as to how  
21 each nation would cooperate with the other in the  
22 event that should occur?

23 "Admiral INGERSOLL: That is right, to find  
24 out what we could do, what forces we could expect.  
25 The British had to be a little bit careful about it

1 because they did not know at that time whether they  
2 were going to have, in a year or two, a European war  
3 on their hands, and they could not state definitely  
4 what forces they could allocate to the Pacific at  
5 that time."

6  
7 "Mr. GEARHART: Did you go there to discuss  
8 Japan or Germany?

9 "Admiral INGERSOLL: Japan only."

10  
11 "Admiral INGERSOLL: As I say, that record  
12 of conversations became entirely obsolete when the  
13 later agreements in ABC-1 were in effect in 1940 or  
14 1941."

15  
16 Defense document 401 (23), an excerpt from  
17 Peace and War, is offered to show that as early as  
18 January, 1939 steps were being taken by the United  
19 States to strengthen the defense of Alaska, Hawaii,  
20 and the Panama Canal, and for the acquisition of  
21 stock piles of certain critical military materials.

22 THE PRESIDENT: Admitted on the usual terms.

23 THE CLERK: Defense Document 401 (23) will  
24 receive Exhibit Number 2845.

25 (Whereupon the document above referred  
to was marked Exhibit No. 2845 and received in

1 evidence.)  
2

3 MR. LOGAN: I shall read Exhibit 2845, an  
4 excerpt from Peace and War, official publication of  
5 the Department of State of the United States of  
6 America:  
7

8 "UNITED STATES REARMAMENT.  
9

10 "In his annual message to Congress on Jan-  
11 uary 4, 1939, President Roosevelt declared that  
12 while a threatened war had been averted, it had  
13 become increasingly clear that peace was not assured;  
14 \* \* \* \* \*

15 "Eight days later the President, in a spec-  
16 ial message to Congress, called for immediate steps  
17 to strengthen the defense of the United States. He  
18 asked Congress to appropriate, 'with as great speed  
19 as possible', more than half a billion dollars for  
20 Army and Navy equipment, particularly for military  
21 and naval aircraft. These planes, he said, would  
22 considerably strengthen the air defense of continental  
23 United States, Alaska, Hawaii, Puerto Rico, and the  
24 Canal Zone. The President likewise recommended the  
25 training of additional air pilots and urged that steps  
be taken to prepare industry for quantity production  
of war materials. These recommendations, which the  
President characterized as 'a minimum program for the

1           necessities of defense', were substantially enacted  
2           into law.

3           "For several years agencies of this Govern-  
4           ment had been studying the problem of the acquisition  
5           of stock-piles of strategic and critical materials  
6           not produced in the United States or produced here  
7           in quantities below national requirements. These  
8           stock-piles were to be for use in case of national  
9           emergency.

10          "Secretary of State Hull discussed the  
11          problem in a letter of October 21, 1938 to the Pres-  
12          ident. He said that events of the past few weeks  
13          had shown clearly the wisdom of adequate handling  
14          of the problem of strategic raw materials 'with all  
15          possible despatch'; that these events indicated how  
16          disturbed sources of supply would be in any general  
17          war; and that there were insufficient supplies in the  
18          United States of a number of raw materials which would  
19          be of great strategic importance in the event of a  
20          general war, whether or not the United States were  
21          involved. The Secretary said further that the Depart-  
22          ment of State concurred in the view of the War and  
23          Navy Departments that it was 'highly desirable to  
24          adopt a national policy with respect to this problem  
25          and to secure early and effective action by Congress';

1 that it was felt that there should be no further delay  
2 in initiating steps which would make available adequate  
3 supplies of the materials which were of the most  
4 critical importance.

5 "The President approved the recommendation,  
6 and there was later enacted, on June 7, 1939, legis-  
7 lation stating that it was the policy of Congress to  
8 provide for the acquisition of stocks of 'certain  
9 strategic and critical materials being deficient or  
10 insufficiently developed to supply the industrial,  
11 military, and naval needs of the country for common  
12 defense . . . in times of national emergency'. This  
13 legislation authorized the appropriation of \$100,000,000  
14 which was gradually appropriated for the purpose.

15 "One hundred thousand tons of rubber were  
16 brought into this country as a result of an agreement  
17 between the United States and Great Britain, dated  
18 June 23, 1939, providing for the delivery by the  
19 United States of cotton in return for rubber."

20 THE PRESIDENT: Mr. Taverner.

21 MR. TAVENNER: If the Tribunal please, I  
22 desire to call your attention to the fact that  
23 asterisks appear at the end of the first paragraph  
24 on the first page, indicating that matter has been  
25 omitted, and that it will appear from the omitted

matter that the war which had been averted, and which  
1 was referred to, was a war with Germany.

2 THE PRESIDENT: Mr. Logan.

3 MR. LOGAN: Defense Document 1500-A is a  
4 table of contents of selected letters between Admiral  
5 H. R. Stark and Admiral J. O. Richardson. I don't  
6 intend to read it. It is just for the information  
7 of the Tribunal as to where these documents come  
8 from.

9 I shall omit Document 1500-A-1 as cumulative.

10 We offer in evidence defense document  
11 1500-B-1, which is a communication dated January 26,  
12 1940, from the then Commander-in-Chief of the United  
13 States Fleet to the Chief of Naval Operations, relative  
14 to American naval operations plan against Japan.  
15 I shall omit the paragraph commencing with the last  
16 two lines on Page 1, and also omit the postscripts.

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THE PRESIDENT: Mr. Tavenner.

1                   MR. TAVENNER: If the Tribunal please, this  
2 is the first of a series of letters between the two  
3 admirals in the United States Navy which express  
4 mainly the opinion of the writer of the letter.  
5 These letters are in the nature of private communi-  
6 cations between these two admirals and of necessity  
7 were secret until the Pearl Harbor inquiry.

8  
9                   It is submitted that there is no relevant  
10 statement contained in these letters, but even if  
11 a relevant statement had been made, a statement of  
12 fact, it is a matter which did not come to the atten-  
13 tion of the Japanese, as far as the evidence discloses,  
14 and therefore could not have been the subject of  
15 action on their part, or the cause of action.

16                  The same point was made with regard to  
17 document 1500-E-5, which was rejected this morning.  
18 The fact that the United States had a plan which it  
19 called the Orange Plan did not import any aggressive  
20 intention against Japan, and the fact that two admirals  
21 of the United States Navy spoke of those matters in  
22 a private communication between them certainly does  
23 not make it relevant to the issues as they stand in  
24 this case; so the objection is made that these docu-  
25 ments deal with opinion, that they do not refer to

relevant facts, and such facts as they do refer to  
1 were matters the accused in this case did not have  
2 knowledge of until the inquiry at Pearl Harbor. Under  
3 no view of the situation could they be material to  
4 the issues.  
5

I may add that in the early part of this  
6 case the Tribunal announced that it was no defense  
7 to these accused for the pot to call the kettle black.  
8 The sole issue in this case is whether or not the  
9 accused were guilty of aggressive warfare or con-  
10 spiracy with regard thereto, and the subject of this  
11 Pearl Harbor inquiry would not be relevant to that  
12 issue.  
13

14 THE PRESIDENT: Mr. Logan.

15 MR. LOGAN: If the Tribunal please, this is  
16 a communication from the Commander-in-Chief of the  
17 United States fleet to the Chief of Naval Operations,  
18 the two highest ranking United States naval officials.  
19 It is not a private letter discussing private matters.  
20 It is a letter between these two high ranking officials  
21 discussing official business. It is rather difficult  
22 to show the attitude of naval officers of a country,  
23 and the best way to do it that we have been able to  
24 find is to show at least the attitude of these two  
25 high officials, to show how they set forth the naval

viewpoint.

1           THE PRESIDENT: How does it help the defense,  
2 Mr. Logan?

3           MR. LOGAN: I am sorry; I didn't hear.

4           THE PRESIDENT: How does it help the defense?

5           MR. LOGAN: It shows, your Honor, the effect  
6 later on of these war plans which were being developed  
7 by the United States at that time, and if only on  
8 the ground that they reveal the war plans they should  
9 be admitted. But there are other grounds. The  
10 prosecution produced Admiral Richardson as a witness,  
11 and at that time the Court invited the defense to use  
12 this Pearl Harbor record rather than further cross-  
13 examine Admiral Richardson.

15          THE PRESIDENT: We can't see how it helps  
16 the defense, but one of my colleagues puts it this way:  
17 "There was a lot of discussion about war games. I think  
18 the defendants have the right to show that the United  
19 States did the same against Japan." However, the  
20 majority of the Court is against you.

21          By a majority the objection is upheld and the  
22 document rejected.

23          MR. LOGAN: I offer in evidence defense docu-  
24  
25 ment 1500-D-1, which is a confidential letter from  
the then Commander-in-Chief of the United States

viewpoint.

1           THE PRESIDENT: How does it help the defense,  
2 Mr. Logan?

3           MR. LOGAN: I am sorry; I didn't hear.

4           THE PRESIDENT: How does it help the defense?

5           MR. LOGAN: It shows, your Honor, the effect  
6 later on of these war plans which were being developed  
7 by the United States at that time, and if only on  
8 the ground that they reveal the war plans they should  
9 be admitted. But there are other grounds. The  
10 prosecution produced Admiral Richardson as a witness,  
11 and at that time the Court invited the defense to use  
12 this Pearl Harbor record rather than further cross-  
13 examine Admiral Richardson.

15           THE PRESIDENT: We can't see how it helps  
16 the defense, but one of my colleagues puts it this way:  
17 "There was a lot of discussion about war games. I think  
18 the defendants have the right to show that the United  
19 States did the same against Japan." However, the  
20 majority of the Court is against you.

21           By a majority the objection is upheld and the  
22 document rejected.

23           MR. LOGAN: I offer in evidence defense docu-  
24  
25 ment 1500-D-1, which is a confidential letter from  
the then Commander-in-Chief of the United States

1 Fleet to the Chief of Naval Operations relative to  
2 the situation that existed in the Pacific in early  
3 1940. I intend to read three short paragraphs,  
4 the 7th and 8th on page 1 and the second paragraph  
5 on page 2.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, this  
8 document is on all fours with the one previously re-  
9 jected, and objection is made to its introduction on  
10 the same grounds.

11 THE PRESIDENT: Mr. Logan.

12 MR. LOGAN: If the Tribunal please, the  
13 paragraphs I designated I intended to read, the 7th  
14 and 8th, on page 1, show reinforcement of the Pacific  
15 Fleet; and on page 2 that paragraph refers to the  
16 cooperation between the Navy and the State Department  
17 with regard to the stationing of the detachment in  
18 Hawaii, for the effect of its presence there.

19 THE PRESIDENT: By a majority the Court  
20 upholds the objection and rejects the document.

21 MR. LOGAN: We offer in evidence defense  
22 document 1500-E-1, which shows the tenseness in the  
23 Pacific as early as April 8, 1940. I intend to read  
24 the third paragraph.

25 THE PRESIDENT: Mr. Tavenner.

1 Fleet to the Chief of Naval Operations relative to  
2 the situation that existed in the Pacific in early  
3 1940. I intend to read three short paragraphs,  
4 the 7th and 8th on page 1 and the second paragraph  
5 on page 2.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, this  
8 document is on all fours with the one previously re-  
9 jected, and objection is made to its introduction on  
10 the same grounds.

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15 Fleet; and on page 2 that paragraph refers to the  
16 cooperation between the Navy and the State Department  
17 with regard to the stationing of the detachment in  
18 Hawaii, for the effect of its presence there.

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20 upholds the objection and rejects the document.

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22 document 1500-E-1, which shows the tenseness in the  
23 Pacific as early as April 8, 1940. I intend to read  
24 the third paragraph.

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2 the situation that existed in the Pacific in early  
3 1940. I intend to read three short paragraphs,  
4 the 7th and 8th on page 1 and the second paragraph  
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8 document is on all fours with the one previously re-  
9 jected, and objection is made to its introduction on  
10 the same grounds.

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14 and 8th, on page 1, show reinforcement of the Pacific  
15 Fleet; and on page 2 that paragraph refers to the  
16 cooperation between the Navy and the State Department  
17 with regard to the stationing of the detachment in  
18 Hawaii, for the effect of its presence there.

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20 upholds the objection and rejects the document.

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23 Pacific as early as April 8, 1940. I intend to read  
24 the third paragraph.

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2 the situation that existed in the Pacific in early  
3 1940. I intend to read three short paragraphs,  
4 the 7th and 8th on page 1 and the second paragraph  
5 on page 2.

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8 document is on all fours with the one previously re-  
9 jected, and objection is made to its introduction on  
10 the same grounds.

11 THE PRESIDENT: Mr. Logan.

12 MR. LOGAN: If the Tribunal please, the  
13 paragraphs I designated I intended to read, the 7th  
14 and 8th, on page 1, show reinforcement of the Pacific  
15 Fleet; and on page 2 that paragraph refers to the  
16 cooperation between the Navy and the State Department  
17 with regard to the stationing of the detachment in  
18 Hawaii, for the effect of its presence there.

19 THE PRESIDENT: By a majority the Court  
20 upholds the objection and rejects the document.

21 MR. LOGAN: We offer in evidence defense  
22 document 1500-E-1, which shows the tenseness in the  
23 Pacific as early as April 8, 1940. I intend to read  
24 the third paragraph.

25 THE PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: The same objection, if the  
2 Tribunal please, and for the same reasons, with the  
3 emphasis on the matter of opinion on the part of the  
writer.

4 MR. LOGAN: This shows that in April 8,  
5 1940, the highest ranking officials, one of whom sat  
6 on the War Council of the United States, recognized  
7 that the situation was deteriorating in the Far East  
8 as far as the relationship between the United States  
9 and Japan was concerned, and recognized the possi-  
10 bility of trouble in the Orient; and as the actions  
11 of a fleet are governed by the thoughts of those  
12 officials in charge of the Navy, this is offered for  
13 that purpose.

14 It also tends to show, if the Tribunal please,  
15 that as early as April 8, 1940, it was recognized  
16 that the possibility of a surprise attack, which took  
17 place, so called, over a year and a half later.

18 THE PRESIDENT: The objection is sustained  
19 and the document rejected by a majority.

20 MR. LOGAN: We offer in evidence defense  
21 document 1500-E-2. This is a confidential letter  
22 from Admiral Stark to Admiral Richardson, dated May  
23 7, 1940. I only intend to read paragraphs 1, 3, 5, and  
24 8.

THE PRESIDENT: Mr. Tavenner.

1                   MR. TAVENNER: If the Tribunal please, the  
2 same objection is made for the same reasons. It is an  
3 operational discussion about concentrating the fleet  
4 in the Hawaiian waters, and refers to the danger of  
5 Italy coming into the war.  
6

7                   MR. LOGAN: If my recollection is correct,  
8 the Tribunal this morning ruled that the defense  
9 could show war plans on the part of the United States  
10 or any of the Allied nations, and the part I intended  
11 to read, which I read off, omits what Mr. Tavenner  
12 said about Italy coming into the war. I didn't in-  
13 tend to read that.

14                  THE PRESIDENT: The Court upholds the objec-  
15 tion and rejects the document, by a majority.

16                  MR. LOGAN: We offer in evidence defense  
17 document 1500-F-1, which is a letter from the American  
18 Chief of Naval Operations to the Commander-in-Chief  
19 of the United States Fleet, dated May 13, 1940.  
20 This further shows the tenseness of the military situa-  
21 tion in the Pacific at this time. I intend to omit  
22 the first three paragraphs and the last paragraph on  
23 page 1 and the postscript on page 2.  
24

25                  THE PRESIDENT: Mr. Tavenner.

                      MR. TAVENNER: If the Tribunal please, the

prosecution objects for the reasons previously  
1 announced.

2 MR. LOGAN: I suggest that the Tribunal  
3 read the seventh and eighth paragraphs. I think  
4 that explains as well as I can what I have in mind  
5 with respect to the proof we intend to offer.

6 THE PRESIDENT: By a majority the Court sus-  
7 tains the objection and rejects the document.

8 MR. LOGAN: We offer in evidence defense  
9 document 1500-G-1, another excerpt from the Pearl  
10 Harbor investigation. It is a letter from the Chief  
11 of Naval Operations to the Commander-in-Chief of the  
12 United States Fleet, dated May 22, 1940. This shows  
13 American preparations for war in the Pacific. I  
14 shall omit the paragraph beginning at the bottom of  
15 page 1 and the 1st, 3rd, 4th, and 5th paragraphs on  
16 page 2 and the postscript.

17 THE PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: The prosecution objects for  
19 the reasons previously stated.

20 THE PRESIDENT: By a majority the Court sus-  
21 tains the objection and rejects the document.

22 MR. LOGAN: If the Tribunal please, I have  
23 a large number of these documents that I intend to  
24 offer of these conversations. If I had some idea

what the Tribunal had in mind with respect to the  
1 reason, perhaps I could eliminate all these documents.  
2 I feel they are material.

3 THE PRESIDENT: These private letters between  
4 admirals do not help, at least this particular series.  
5 If the rest are like these, there is nothing to be  
6 gained in tendering them except for record purposes.  
7 Bunch them altogether and tender them and they will  
8 be rejected because of what has already occurred.  
9

10 MR. LOGAN: Well, if the Tribunal please,  
11 while these two men were admirals, one, as I pointed  
12 out, was Chief of the Naval Staff, which is the high-  
13 est naval position in the United States, and he sat  
14 on the Supreme War Council. His thoughts and his  
15 actions were submitted to that council and action taken  
16 thereon, and this Tribunal will have to determine why  
17 the United States Navy took certain actions. These  
18 are the reasons for it, as shown by this proof which  
19 we are offering. I mean, this is not idle gossip  
20 between two low-ranking officials; it is official  
21 business conducted between the two highest United States  
22 Naval officials discussing war plans against Japan,  
23 which we understood from the Tribunal's ruling this  
24 morning we were permitted to show.  
25

If the Tribunal please, may Mr. Brannon,

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1 who is very well versed in naval matters, speak on  
2 behalf of this line of documents? We deem it of  
3 sufficient important to have the Tribunal permit him  
4 to speak.

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1                   THE PRESIDENT: You can handle it well  
2 enough, Mr. Logan.

3                   MR. LOGAN: We offer in evidence defense  
4 document 1500-H-1 which is a confidential letter  
5 to the United States Chief of Naval Operations  
6 from the Commander in Chief of the United States  
7 Fleet dated May 22, 1940. This shows that con-  
8 ditions in the Pacific were so tense at this time  
9 that the Commander in Chief himself during  
10 maneuvers did not know whether he was to engage in  
11 hostile activities against Japan.

12                  I intend to read the first three paragraphs  
13 on page 1.

14                  THE PRESIDENT: Mr. Tavenner.

15                  MR. TAVENNER: If the Tribunal please, I  
16 had understood that if counsel would present these  
17 documents which come under this classification  
18 under another rule of the Court, so that there would  
19 be a record that he had tendered them, and I think  
20 by so doing the individual Member of the Tribunal  
21 who desires to read those documents, that the list  
22 is still preserved for him, so that to them it seems  
23 like a loss of time to present these separately and  
24 raise the objections and pass on it each time when

1 counsel has stated that there are a number of  
2 similar type documents.

3 THE PRESIDENT: We do not say that no  
4 letters between these two admirals, whether private  
5 or not, could never be relevant and material, but  
6 Mr. Logan seems to think they are covered by the  
7 earlier decisions. If so, he should respect those  
8 earlier decisions.

9 MR. TAVENNER: The prosecution objects to  
10 the introduction of this document on the same  
11 grounds as previously stated.

12 THE PRESIDENT: We said nothing this morn-  
13 ing that would justify the tendering of this docu-  
14 ment.

15 MR. LOGAN: I am trying to respect the  
16 Tribunal's previous decision. That is what I said.  
17 This morning we were advised that we could show  
18 army and naval preparations on behalf of the United  
19 States -- war plans.

21 THE PRESIDENT: Those documents showed  
22 increases in the strength of the United States  
23 forces. This is quite different. This document is  
24 rejected.

25 MR. LOGAN: We offer in evidence defense  
document 1500-I-1 which is the secret answer of the

1 Chief of Naval Operations dated May 27, 1940 to  
2 the letter of the Commander in Chief of the United  
3 States Fleet, dated May 22, 1940.

4 I intend to read all of page 1 except the  
5 last three lines. On page 2 I intend to read para-  
6 graphs 3, 4 and 5, and on page 3, paragraphs 1, 7  
7 and 8.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If it please the Tribunal,  
10 the prosecution views this document as being on all  
11 fours with the previous one and being in answer to  
12 the previous letter. Objection is made to its  
13 introduction in evidence on the grounds previously  
14 stated.

15 MR. LOGAN: If the Tribunal please, this  
16 particular document answers the question which was  
17 asked in the previous letter, and this answer is  
18 from Admiral Stark, as to why the American fleet  
19 was in the Hawaiian area.

20 THE PRESIDENT: Admiral Stark puts the  
21 question and answers it himself -- to prevent the  
22 Japs going into the East Indies. Is that all you  
23 wanted it in for?

24 MR. LOGAN: That is right.

25 THE PRESIDENT: It seems to me to be in

1       the same position as the others. The objection is  
2       upheld and the document rejected by a majority.

3            MR. LOGAN: We offer in evidence defense  
4       document 1500-J-1 which is a secret letter from the  
5       Chief of Naval Operations to the Commander in Chief  
6       of the United States Fleet dated June 22, 1940 reiter-  
7       ating certain military preparations which had been  
8       made and emphasizing the need for complete readi-  
9       ness of the fleet.

10          I shall omit the first, fourth, seventh and  
11       eighth paragraphs.

12           THE PRESIDENT: Mr. Tavenner.

13           MR. TAVENNER: If it please the Tribunal,  
14       the prosecution objects to the introduction of this  
15       document for the same reasons as stated in regard  
16       to the previous document.

17           MR. LOGAN: It shows the transfer of certain  
18       equipment through the Panama Canal to Pearl Harbor,  
19       efforts being made to strengthen the Pacific Fleet,  
20       transports, and introduction of legislation to pro-  
21       vide for major tasks in both oceans. That is the  
22       information contained in the paragraphs I intend to  
23       read.

25           THE PRESIDENT: I cannot distinguish this  
from the other. There is some reference to an

increase in strength on a very small scale.

By a majority the objection is sustained  
and the document rejected.

MR. LOGAN: We offer in evidence defense  
documents 1500-K-1, 1500-F-2, 1500-L-1, 1500-G-2  
which consist of a letter from the Chief of Naval  
Operations to the Commander in Chief of the United  
States Fleet dated June 22, 1940 together with cer-  
tain enclosures. These show American military  
preparation in the Pacific together with the  
suspicion that an overseas air raid might occur  
against Pearl Harbor as early as June 1940.

I propose to read all of the letter, para-  
graph 1 of the first enclosure, all of the second  
enclosure, and the second paragraph of the third  
enclosure.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: The prosecution makes the  
same objection to the introduction of this document  
as to the former documents.

THE PRESIDENT: By a majority the objection  
is sustained and the document rejected.

MR. LOGAN: Defense document 401-31 being  
~~another~~ excerpt from "Peace and War" is offered in  
evidence. This document shows further expenditures

and efforts made by the United States.

THE PRESIDENT: We have not seen it, but there is no objection to it. Admitted on the usual terms.

CLERK OF THE COURT: Defense document 401 (31) will receive exhibit No. 2846.

(Whereupon, the document above referred to was given defense exhibit No. 2846 and received in evidence.)

MR. LOGAN: I shall read exhibit 2846, an excerpt from "Peace and War," official publication of the Department of State, U.S.A.:

"Defense Measures of the United States, 1940. President Roosevelt's Request for 50,000 Planes.

"In January 1940, when the European war was still in a period of lull, President Roosevelt asked Congress for a national defense appropriation of \$1,800,000,000. By the middle of the following May, the rapid development of military events in Europe impelled him to request further appropriations for national defense. In an address to Congress on May 16, 1940, he said that the brutal force of modern offensive warfare had been loosed in all its horror; that new and swift and deadly

1 powers of destruction had been developed which were  
2 wielded by men who were ruthless and daring; that no  
3 old defense was so strong that it required no fur-  
4 ther strengthening and no attack was so unlikely or  
5 impossible that it might be ignored. The President  
6 said we had had before us over and over again the  
7 lesson that nations not ready and unable to get  
8 ready found themselves overrun by the enemy; that  
9 so-called impregnable fortifications no longer  
10 existed; that an effective defense required the  
11 equipment to attack an aggressor on his route  
12 'before he can establish strong bases within the  
13 territory of American vital interests.'

14 "The President said to Congress that he  
15 should like to see the United States 'geared up to  
16 the ability to turn out at least 50,000 planes a  
17 year'; furthermore, he believed 'that this Nation  
18 should plan at this time a program that would  
19 provide us with 50,000 military and naval planes.'  
20 He made a request for \$1,000,000,000 to procure the  
21 essential equipment for a larger and thoroughly  
22 rounded out Army, to replace or modernize Army or  
23 Navy equipment, to increase production facilities  
24 for everything needed for the Army or Navy, and to  
25 speed up to a twenty-four-hour basis all Army and

Navy contracts. In making this request the President reminded Congress that our ideal and our objective still was peace. Nevertheless, we stood ready 'not only to spend millions for defense but to give our service and even our lives for the maintenance of our American liberties.'

"In a message to Congress on May 31, President Roosevelt made an additional request for appropriations of over a billion dollars for national defense and asked for authority to call the National Guard and the necessary Reserve personnel into active military service. He declared that 'the almost incredible events of the past two weeks in the European conflict, particularly as a result of the use of aviation and mechanized equipment,' necessitated further increases in our military program. No one could foretell the future, he said, but American defense must be made more certain so long as the possibility existed that not one or two continents but all continents might be involved in a world-wide war. He again emphasized the necessity for expansion of facilities for the production of munitions.

"These requests for appropriations were promptly met by the Congress, as also was the

1 President's request of July 10 for \$5,000,000,000  
2 more for the rearmament program. The President's  
3 request for authority to call the National Guard  
4 and Reserve personnel into active military service  
5 was granted in a resolution approved August 27,  
6 1940. However, the legislation provided that the  
7 personnel ordered into active Federal service under  
8 this authority should 'not be employed beyond the  
9 limits of the Western Hemisphere except in the  
10 territories and possessions of the United States,  
11 including the Philippine Islands.'

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1 Defense document 401-33, being an excerpt from  
2 "Peace and War," is offered for the purpose of showing  
3 collaboration between the United States and Great  
4 Britain in September, 1940, the transfer of fifty  
5 destroyers and an enactment on September 16, 1940 of  
6 the Selective Service and Training Act in the United  
7 States. This document was previously rejected on  
8 page 24,273 of the record on the ground it was im-  
9 material. It was offered at that time in connection  
10 with the Tri-Partite Pact.

11 THE PRESIDENT: What has this to do with  
12 Japan? There could only be the most remote connection.

13 MR. LOGAN: It shows, if the Tribunal please,  
14 that there was collaboration between the United States  
15 and Great Britain at that time and also with respect  
16 to the transfer of destroyers--

17 THE PRESIDENT: By a majority the objection  
18 is sustained and the document again rejected.

19 MR. LOGAN: I had not quite finished, if the  
20 Tribunal please--

21 THE PRESIDENT: It is already rejected, Mr.  
22 Logan. We do not want to hear elaborate argument on a  
23 document already rejected.

24 MR. LOGAN: We offer in evidence defense  
25 documents 1500-M-1, 1500-N-1, 1500-H-2 which consist

1           of a confidential letter together with enclosures  
2           from Admiral Richardson to Chief of Naval Operations,  
3           Admiral Stark, dated September 18, 1940. These show  
4           the condition of affairs in the Pacific as viewed by  
5           the Commander in Chief of the United States fleet  
6           together with a resume of discussions with the Under-  
7           Secretary of the Navy.

8           From document 1500-M-1 I shall read paragraphs  
9           4 and 5 on page 1; from document 1500-N-1 I shall read  
10          paragraph 7, page 2; paragraphs number (b), (c) and (d)  
11          on page 3; paragraphs numbered (c) and (d) on page 4;  
12          and paragraph (3) on page 5.

13          THE PRESIDENT: Mr. Tavenner.

14          MR. TAVENNER: If it please the Tribunal,  
15          this is the same type of document which the Tribunal  
16          has rejected, it being correspondence between two of  
17          the Admirals of the United States navy. Prosecution  
18          objects to their introduction in evidence on the same  
19          grounds previously stated.

20          MR. LOGAN: If the Tribunal please, I would  
21          just like to refer to one portion of this document on  
22          page 4, memorandum that was given to the Secretary of  
23          the Navy, paragraph 7-(c), which shows just exactly  
24          what the policy of the United States government was at  
25          that time. It is defense document 1500-N-1, page 4,

1           7-(c). I think that portion is typical of the rest  
2           of that particular document and it indicates exactly  
3           why we are trying to present this document in evidence.

4           THE PRESIDENT: By a majority the objection is  
5           sustained and all three documents rejected.

6           MR. LOGAN: We now offer in evidence defense  
7           document 1500-0-1. This is a letter from Admiral  
8           Stark to Admiral Richardson dated September 24, 1940  
9           in which the Chief of Naval Operations sets forth his  
10          strong disapproval to the State Department of the  
11          United States imposing an oil embargo on Japan.

12          I shall read only paragraphs 3 and 4.

13          THE PRESIDENT: Mr. Tavenner.

14          MR. TAVENNER: The same objection is made to  
15          the introduction of this document, if the Tribunal  
16          please.

17          THE PRESIDENT: Objection sustained and the  
18          document rejected, by a majority.

19          MR. LOGAN: We offer in evidence defense  
20          document 1500-P-1. This is a letter from Admiral  
21          Stark to Admiral Richardson dated October 1, 1940 in  
22          which the possibility of sending a detachment of the  
23          United States fleet to the Far East is referred to,  
24          together with the endeavors of the High Command to  
25          rapidly improve the fleet with the frank realization

1       that there would be no surprise at "anything  
2       happening any day."

3           I shall read the second, sixth and seventh  
4       paragraphs.

5           THE PRESIDENT: Mr. Tavenner.

6           MR. TAVENNER: If the Tribunal please, the  
7       same objection is made to the introduction of this  
8       document.

9           MR. LOGAN: Frankly, if the Tribunal please,  
10       I do not see how we can possibly get the views of  
11       the navy before the Tribunal except from the men  
12       responsible for it.

13           THE PRESIDENT: We are reading every document  
14       you tender, everyone of us, and we are looking for  
15       probative value. Every document has been fully con-  
16       sidered by every Member of the Court.

17           MR. LOGAN: We now offer in evidence--

18           THE PRESIDENT: We have not given a decision.

19           MR. LOGAN: I am sorry.

20           THE PRESIDENT: By a majority the objection  
21       is sustained and the document rejected.

22           MR. LOGAN: We now offer in evidence defense  
23       document 138 which is an excerpt from the Japan Year-  
24       book. This excerpt is offered for the purpose of  
25       showing American assistance to China and steps taken

1 by the United States with respect to its navy.

2 I shall read the last paragraph on page 1,  
3 the fourth and fifth paragraphs on page 2, the first  
4 paragraph on page 3 and the last paragraph on page 3,  
5 commencing with the third sentence.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, this  
8 is a statement prepared by an anonymous writer covering  
9 material which is already in evidence. It is written  
10 in argumentative form and is objectionable for that  
11 reason. Had there been no evidence in the case  
12 relating to these matters this, we submit, would not  
13 be the proper way in which to prove them. We think  
14 the document should be rejected on the ground of its  
15 being repetitive.

16 THE PRESIDENT: Mr. Logan.

17 MR. LOGAN: I do not think it is repetitive.  
18 I am quite sure it is not but objection was made by  
19 the prosecution earlier to certain documents we offered,  
20 particularly this last group, on the ground that no  
21 information concerning what was transpiring was trans-  
22 mitted to the Japanese people or Japanese government.  
23 This is some evidence that the Japanese government and  
24 Japanese people knew what was going on.

25 THE PRESIDENT: The objection is sustained

and the document rejected by a majority.

1 MR. LOGAN: We offer in evidence defense  
2 document 1500-D-2. This is a memorandum prepared by  
3 Admiral Richardson after a discussion with the  
4 President of the United States in October, 1940.  
5 It speaks of the reason for retaining the fleet at  
6 Pearl Harbor and refers to military movements on  
7 behalf of the United States in the Pacific.  
8

I shall omit the fifth paragraph.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: Objection is made to the  
11 introduction of this document for the same reasons  
12 presented in regard to the other Richardson communica-  
13 tions.  
14

15 MR. LOGAN: This is a memorandum, if the  
16 Tribunal please, delivered to Chief of Naval Operations  
17 from Admiral Richardson and covers some points which  
18 he discussed with the President of the United States.

19 THE PRESIDENT: By a majority the objection  
20 is sustained and the document rejected.

21 MR. LOGAN: We offer in evidence defense  
22 document 1500-A-2 which is a memorandum dated October  
23 16, 1940 from Admiral Richardson to Admiral Hart,  
24 Commander of the Asiatic fleet, concerning a proposed  
25 blockade of Japan in the event Japan opposed the

1 opening of the Burma Road. It shows the extent of  
2 war plans and preparations that were actually being  
3 made against Japan.

4 I shall omit paragraphs numbered 2 and 7 on  
5 page 2 and paragraph numbered 8 on page 3.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, this  
8 document is on the same footing as the one just  
9 rejected. Objection is made to its introduction for  
10 the reasons previously stated.

11 MR. LOGAN: I might say that this document  
12 shows that there are two enclosures in connection  
13 with it. One is a copy of assumptions; and one is a  
14 copy of tentative operations. The measures and opera-  
15 tions to be undertaken by the United States fleet  
16 commence on page 4 of the document. The measures  
17 include mobilization of United States fleet in accord-  
18 ance with the "Orange Plan," redispersion of the  
19 forces in the Atlantic to transfer some of them to  
20 the Pacific, measures for the defense of Alaska,  
21 completion of readiness measures for the operation of  
22 the fleet in the mid-Pacific, measures for the defense  
23 of the Pacific Islands such as Midway, Wake, Johnston,  
24 Canton Island, Samoa, Hawaii, and also some assumptions  
25 which are--

1 THE PRESIDENT: The most important things  
2 of all.

3 MR. LOGAN: Yes.

4 THE PRESIDENT: They are all based on  
5 possible Japanese aggression as far as I can judge.

6 MR. LOGAN: There are various assumptions,  
7 sir, set forth there, if the Tribunal please.

8 THE PRESIDENT: Assumptions are based on  
9 prospective attack or possible attack by Japan.

10 MR. LOGAN: That is one of them. There are  
11 ten different assumptions there.

12 THE PRESIDENT: By a majority the Court  
13 sustains the objection and rejects the document.

14 MR. LOGAN: We offer in evidence defense  
15 document 1500-Q-1. This is a secret letter from  
16 Admiral Richardson to Admiral Stark dated October 22,  
17 1940 in which war plans are discussed in view of the  
18 then existing international situation in the Pacific.

19 THE PRESIDENT: Mr. Tavenner.

20 MR. TAVENNER: This document is identical  
21 in the principles involved with that of the last  
22 document. Objection is made to its introduction on  
23 the same grounds.

24 MR. LOGAN: Here again it shows war plans,  
25 if the Tribunal please.

1 THE PRESIDENT: By a majority the Court  
2 sustains the objection and rejects the document.

3 MR. LOGAN: We offer in evidence defense  
4 document 1900-A-1, an excerpt from the "Asahi Shimbun"  
5 of November 9, 1940 reporting an agreement reached  
6 among Britain, America and Australia for cooperation  
7 in the Pacific.

8 THE PRESIDENT: Mr. Tavenner.

9 MR. TAVENNER: If it please the Tribunal,  
10 this is a typical newspaper publication which has been  
11 repeatedly rejected.

12 THE PRESIDENT: We would understand your  
13 argument more clearly if we had the papers before us.  
14 Never mind your point of view, Mr. Tavenner.

15 The speed is somewhat fast.

16 MR. TAVENNER: I beg your pardon, I thought  
17 you called on me to respond.

18 If the Tribunal please, this is a type of  
19 newspaper article which has been so repeatedly rejected  
20 by the Tribunal--

21 THE PRESIDENT: Wholly based on an emergency--  
22 a possible attack.

23 Mr. Logan.

24 MR. LOGAN: The prosecution has been objecting  
25 to some of this evidence on the ground that the Japanese

1 government and Japanese people did not know it. Some  
2 of the matters which were supposed to be secret, it  
3 was found out they were matters of common knowledge  
4 among the Japanese government and the Japanese people.  
5 The prosecution has contended and they tried to intro-  
6 duce evidence which they thought showed that the  
7 people of Japan were educated by these accused to  
8 build up a war machine. Possibly -- probably informa-  
9 tion which the Japanese press received from abroad such  
10 as this article here had a great deal to do with that.  
11 We are not offering the document for the truth or  
12 falsity of the information contained in it. We are  
13 offering it for the purpose of showing that this in-  
14 formation was received and was published in the  
15 Japanese newspapers.

16 THE PRESIDENT: Objection sustained and the  
17 document rejected by a majority.

18 We will adjourn for fifteen minutes.

19 (Whereupon, at 1445, a recess was  
20 taken until 1500, after which the proceedings  
21 were resumed as follows:)

22

23

24

25

1 government and Japanese people did not know it. Some  
2 of the matters which were supposed to be secret, it  
3 was found out they were matters of common knowledge  
4 among the Japanese government and the Japanese people.  
5 The prosecution has contended and they tried to intro-  
6 duce evidence which they thought showed that the  
7 people of Japan were educated by these accused to  
8 build up a war machine. Possibly -- probably informa-  
9 tion which the Japanese press received from abroad such  
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12 falsity of the information contained in it. We are  
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15 Japanese newspapers.

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17 document rejected by a majority.

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21 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 MR. LOGAN: We offer in evidence defense docu-  
4 ment 1900-A-2, an excerpt from the Asahi Shimbun of  
5 November 9, 1940, reporting that the Department of  
6 State denied the agreement between Britain, America  
7 and Australia to cooperate in the Pacific but admitted  
8 that cooperation was actually going on.

9 THE PRESIDENT: Mr. Tavenner.

10 MR. TAVENNER: If the Tribunal please, this  
11 is another newspaper publication similar to the one  
12 just rejected. Objection is made on the same ground  
13 as that previously stated.

14 MR. LOGAN: Our reasons for advancing it  
15 are the same.

16 THE PRESIDENT: The objection is sustained  
17 and the document rejected by a majority.

18 MR. LOGAN: We offer in evidence defense  
19 document 1900-A-3, an excerpt from the Asahi Shimbun  
20 of November 9, 1940, reporting further denials of  
21 agreement among Britain, America and Australia about  
22 the joint use of naval bases in the Pacific, but  
23 admission that opinions were exchanged unofficially.

24 THE PRESIDENT: Mr. Tavenner.

25 MR. TAVENNER: Objection is made on the same

ground, if the Tribunal please.

1 THE PRESIDENT: The objection is sustained  
2 and the document rejected by a majority.

3 MR. LOGAN: I might state, if the Tribunal  
4 please, that there was some question, when this matter  
5 of the conversation between the naval authorities of  
6 Great Britain and the United States met, as to whether  
7 or not that information had reached Japan, and that is  
8 what we were trying to show by these documents.  
9

10 In conjunction with defense document  
11 1500-Q-1, just offered in evidence, we offer defense  
12 document 1500-I-4, which gives some of the testimony  
13 of Admiral Richardson concerning the American Orange  
14 Plan.

15 THE PRESIDENT: Mr. Tavenner.

16 MR. TAVENNER: If the Tribunal please, the  
17 same objection is made to this document as to the  
18 other 1500 classification of documents, and on the  
19 same grounds.

20 MR. LOGAN: It is proposed later on in the  
21 testimony by the defense to show that the plans,  
22 operations, of the Japanese navy were to some extent  
23 based on what the other powers were doing; in other  
24 words, that there is duty on the part of the high  
25 naval officials of a country to formulate plans, and

1 what Japan did was no different from what was done  
2 by other nations.

3 THE PRESIDENT: The objection is sustained  
4 and the document rejected by a majority.

5 MR. LOGAN: We offer in evidence defense docu-  
6 ment 1500-R-1. This is a letter from Admiral Stark  
7 to Admiral Richardson, dated 12 November 1940, wherein  
8 the United States Chief of Naval Operations discloses  
9 that in his opinion it was only a matter of time  
10 before the United States was in the war and discusses  
11 new war plans. I intend to read the last two para-  
12 graphs on page 1.

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: The prosecution, if your Honor  
15 please, raises the same objection on the same grounds.

16 MR. LOGAN: I might point out, if the Tri-  
17 bunal please, that if this series of letters, infor-  
18 mation contained in them, had been stated by any of  
19 these Japanese accused, it would have been used by  
20 the prosecution to show aggressive warfare; and all  
21 I am trying to show is that the same type of operations  
22 were undertaken by other nations.

23 THE PRESIDENT: By a majority, the objection  
24 is sustained and the document rejected.

25 MR. LOGAN: We offer in evidence defense

1 document 1500-S-1. This is a secret letter from  
2 Admiral Stark to Admiral Hart, Commander-in-Chief of  
3 the United States Asiatic Fleet, dated 12 November  
4 1940, and which was an enclosure to the letter just  
5 offered in evidence, defense document 1500-R-1. It  
6 discloses the High Command's views on conditions in  
7 the Pacific and the extent of collaboration with the  
8 British at that time. It is also offered for the  
9 purpose of showing that the United States Navy was of  
10 the opinion that Japan would not resort to hostilities  
11 if additional economic sanctions were not imposed.

12 I intend to omit the last two paragraphs and  
13 the postscript on page 2.

14 THE PRESIDENT: Mr. Tavenner.

15 MR. TAVENNER: If the Tribunal please, the  
16 prosecution makes the same objection on the same  
17 grounds as the previous documents.

18 THE PRESIDENT: The objection is sustained,  
19 and the document rejected by a majority.

20 MR. LOGAN: We offer in evidence defense  
21 document 1900-A-4, an excerpt from the Asahi Shimbun  
22 of November 13, 1940, reporting that the negotiations  
23 dealing with America's use of Singapore were to come  
24 to the fore shortly.

25 THE PRESIDENT: Mr. Tavenner.

1                   MR. TAVENNER: If the Tribunal please, this  
2                   is another newspaper excerpt, identical in principle  
3                   with that rejected, defense document No. 1900-A-1.  
4                   Objection is made to its introduction on the same  
5                   ground.

6                   MR. LOGAN: This is another example, if the  
7                   Tribunal please, of information which the Japanese  
8                   received from New York, and it shows that Japan had  
9                   general knowledge of the preparations and the encirclement  
10                  that was going on. Again, I am not offering it  
11                  for the truth or falsity of what is contained in it;  
12                  I am offering it for the mere fact that this article  
13                  appeared in the newspaper, and what the Japanese  
14                  Government and the people of Japan thought of it  
15                  undoubtedly had some effect on the subsequent actions.

16                  THE PRESIDENT: The objection is sustained  
17                  and the document rejected by a majority.  
18

19                  MR. LOGAN: We offer in evidence defense  
20                  document 1900-A-6, an excerpt from the Asahi Shimbun  
21                  of November 13, 1940, reporting further on the newly-established  
22                  General Headquarters for the British Commonwealth Forces  
23                  in the Far East and an extension of an embargo to ships of neutral nationalities bound for  
24                  Kwangchow Bay. It also reports that British rights  
25                  and interests in the Far East are to be protected in

cooperation with the colonies.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, this is another newspaper excerpt similar to the four or five which have previously been rejected by the Tribunal, and objection is made on the grounds previously stated.

MR. LOGAN: I have nothing to add to what I stated before of the other document.

THE PRESIDENT: The objection is sustained and the document rejected by a majority.

MR. LOGAN: We offer in evidence defense document 1900-A-5, an excerpt from the Asahi Shimbun of November 15, 1940, stating that General Headquarters of British Forces in the Far East were recently established at Singapore. This dispatch emanates from London.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: The same objection on the same grounds, if the Tribunal please.

THE PRESIDENT: The objection is sustained and the document is rejected by a majority.

MR. LOGAN: We offer in evidence defense document 1500-T-1. This is a letter from Admiral Stark to Admiral Richardson dated November 22, 1940,

1       in which the possibility of a sudden attack on the  
2       United States Fleet was discussed in view of the  
3       gravity of the situation at that time.

4              I shall read, if it is admitted, only the third,  
5       fourth and fifth paragraphs.

6              THE PRESIDENT: Mr. Tavenner.

7              MR. TAVENNER: If the Tribunal please, the  
8       same objections on the same grounds as to the other  
9       documents in series 1500.

10             MR. LOGAN: I have nothing to add.

11             THE PRESIDENT: The objection is sustained  
12       and the document rejected by a majority.

13             MR. LOGAN: We offer in evidence defense  
14       document 1900-A-7, an excerpt from the Asahi Newspaper  
15       of November 24, 1940, reporting progress in the  
16       strengthening of military preparations against Japan  
17       in Singapore, and the plan for establishment of a  
18       great air force for the Far East and movement of the  
19       air force from England to Egypt, India and Singapore.

20             THE PRESIDENT: Mr. Tavenner.

21             MR. TAVENNER: If the Tribunal please, the  
22       same objection is lodged to the introduction of this  
23       document as the other documents in the 1900 series,  
24       and on the same grounds.

25             MR. LOGAN: If the Tribunal please, it is

1 my understanding that the prosecution claimed that  
2 these military preparations, and so forth, were not  
3 known to Japan. Here is definite evidence that it  
4 was known to them.

5 THE PRESIDENT: The objection is sustained  
6 and the document rejected by a majority.  
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1                   MR. LOGAN: We offer in evidence defense  
2 document 1500-U-1. This is a letter from Admiral  
3 Richardson to Admiral Stark dated November 28, 1940,  
4 in which it is revealed that the United States Naval  
5 maneuvers might not be for training purposes alone.  
6 I shall omit the second, third and fourth paragraphs  
7 on page 1, the second, third, and fourth paragraphs on  
8 page 2, and all except the last paragraph on page 3.

9                   THE PRESIDENT: Mr. Tavenner.

10                  MR. TAVENNER: If the Tribunal please, the  
11 same objection is lodged to this document as to the  
12 other documents of the 1500 series.

13                  MR. LOGAN: It shows, if the Tribunal please,  
14 that maneuvers were undertaken pursuant to plans in  
15 nations other than Japan. The prosecution's claim is  
16 that if Japan undertakes maneuvers they are for  
17 aggressive war.

18                  THE PRESIDENT: The objection is sustained  
19 and the document rejected by a majority.

20                  MR. LOGAN: Defense document 206-E-53, an  
21 excerpt from former United States Ambassador Grew's  
22 Diary, "Ten Years in Japan," setting forth certain  
23 questions addressed by Ambassador Grew to President  
24 Roosevelt is offered in evidence. This refers to a  
25 letter he wrote to President Roosevelt on December 14,

1940; rather it quotes from a letter.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If the Tribunal please,  
3 Ambassador Grew in this letter merely sets forth  
4 certain possible questions that relate to matters of  
5 opinion. There is no question of fact.

6 THE PRESIDENT: He puts three questions  
7 and says he is not able to answer any of them, and  
8 that is the whole letter. The objection is sustained  
9 and the document rejected by a majority.

10 MR. LOGAN: We offer in evidence defense  
11 document 1500-V-1. This is a secret letter from  
12 Admiral Stark to Admiral Richardson dated December 17,  
13 1940, in which the United States Chief of Naval  
14 Operations reveals a new Navy Basic War Plan. I do  
15 not intend to read this.

16 THE PRESIDENT: Mr. Tavenner.

17 MR. TAVENNER: Notwithstanding the fact  
18 counsel does not propose to read it, objection is  
19 nevertheless made to its introduction into evidence  
20 on the same ground as made to the other documents in  
21 the 1500 series.

22 THE PRESIDENT: Why do you tender it if  
23 it is not worth reading read, Mr. Logan?

24 MR. LOGAN: I tender it to show further war

1 plans. It is just one more plan that the United States  
2 made out of many.

3 THE PRESIDENT: The objection is sustained and  
4 the document rejected by a majority.

5 MR. LOGAN: We offer in evidence excerpt  
6 from "Peace and War," being defense document 401(43),  
7 which sets forth the budget requested by President  
8 Roosevelt in January 1941 for national defense.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 401(43)  
11 will receive exhibit No. 2847.

12 (Whereupon, the document above  
13 referred to was marked defense exhibit  
14 No. 2847 and received in evidence.)

15 MR. LOGAN: Exhibit 2847, "European War 1941,  
16 The Four Freedoms, excerpt from 'Peace and War,'  
17 official publication, Department of State, U. S. A.  
18 "The President's budget message of this month,  
19 January 1941, called for the expenditure of approxi-  
20 mately \$11,000,000,000 for the national defense program.  
21 This raised to \$28,000,000,000 the estimated outlay for  
22 the defense program inaugurated in May 1940."

23 We next offer in evidence defense document  
24 401(44), a further excerpt from defense document No.  
25 401, the official publication of the United States

1           Government entitled "Peace and War." This document  
2           shows the further implementation of the United States  
3           foreign policy by the passage of the Lend Lease Act in  
4           1941 and the supplying of arms and ammunition and  
5           other materials to belligerents and others by the  
6           United States while it was still a neutral power.

7           THE PRESIDENT: Mr. Tavenner.

8           MR. TAVENNER: Objection is made to the  
9           introduction of this document into evidence on the  
10          ground that the Lend Lease Act with respect to  
11          Germany would be irrelevant and immaterial to any  
12          issue in this case. If it should be construed as  
13          defense matter against Germany it could not, by any  
14          interpretation, be considered relevant here.

15          MR. LOGAN: Again the prosecution picks out  
16          some immaterial matter and tries to enlarge it. It  
17          talks about aid to China and Britain.

18          MR. TAVENNER: IF the Tribunal please, the  
19          granting of aid in the form of lend lease to  
20          governments in exile whose homelands are temporarily  
21          occupied by aggressors certainly cannot serve as any  
22          justification for aggressive action on the part of the  
23          accused in this case.

24          THE PRESIDENT: By a majority the objection  
25          is overruled and the document admitted on the usual

1       Government entitled "Peace and War." This document  
2       shows the further implementation of the United States  
3       foreign policy by the passage of the Lend Lease Act in  
4       1941 and the supplying of arms and ammunition and  
5       other materials to belligerents and others by the  
6       United States while it was still a neutral power.

7             THE PRESIDENT: Mr. Tavenner.

8             MR. TAVENNER: Objection is made to the  
9       introduction of this document into evidence on the  
10      ground that the Lend Lease Act with respect to  
11      Germany would be irrelevant and immaterial to any  
12      issue in this case. If it should be construed as  
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16      some immaterial matter and tries to enlarge it. It  
17      talks about aid to China and Britain.

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19      granting of aid in the form of lend lease to  
20      governments in exile whose homelands are temporarily  
21      occupied by aggressors certainly cannot serve as any  
22      justification for aggressive action on the part of the  
23      accused in this case.

24            THE PRESIDENT: By a majority the objection  
25      is overruled and the document admitted on the usual

terms.

1 CLERK OF THE COURT: Defense document  
2 401(44) will receive exhibit No. 2848.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit  
5 2848 and received in evidence.)

6 MR. LOGAN: Exhibit 2848, "Lend-Lease Act.

7 "Early in January 1941 there was introduced  
8 in Congress a bill to enable the Government to furnish  
9 aid to nations whose defense was deemed by the Presi-  
10 dent to be vital to the defense of the United States.  
11 Both Houses of Congress held extensive public hearings  
12 on the bill. Secretary Hull made a statement before  
13 the House Committee on Foreign Affairs on January 15  
14 in support of the bill. In this statement the  
15 Secretary declared that it had become increasingly  
16 apparent that mankind was face to face with an organized,  
17 ruthless, and implacable movement of steadily-expanding  
18 conquest; that we were in the presence of forces which  
19 were not restrained by considerations of law or princi-  
20 ples of morality; that these forces had no fixed limits  
21 for their program of conquest; that they had spread  
22 over large areas of land and were desperately strug-  
23 gling to seize control of the oceans as an essential  
24 means of achieving and maintaining the conquest of

other continents. The Secretary stated that control  
1 of the high seas by law-abiding nations 'is the key  
2 to the security of the Western Hemisphere'; that  
3 should such control be gained by the Axis powers,  
4 the danger to the United States 'would be multiplied  
5 manifold.' The most serious question for the United  
6 States, the Secretary said, was whether the control  
7 of the high seas would pass into the hands of powers  
8 bent on a program of unlimited conquest.  
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1        "The Secretary felt that on no other question  
2        of public policy were the people of the United States  
3        so nearly unanimous and so emphatic as they were on  
4        that of the imperative need, in our own most vital  
5        interest, to give Great Britain and other victims of  
6        attack the maximum of material aid in the shortest  
7        possible space of time. This was so because it was  
8        clear that such assistance to those resisting attack  
9        was a vital part of our national self defense. The  
10      bill before the Committee, he said, known as the Lend-  
11      Lease bill, provided for machinery which would enable  
12      the United States to make the most effective use of  
13      our resources for our own needs and for those whom,  
14      in our own self defense, we were determined to aid.  
15      The Secretary expressed the belief that this bill  
16      would make it possible for us to allocate our re-  
17      sources in ways best calculated to provide for the  
18      security of the United States and of this continent.

19        "The Lend-Lease bill became law with the  
20      signature of the President on March 11, 1941.  
21      Immediately thereafter the President requested an  
22      appropriation of \$7,000,000,000 to accomplish the  
23      objectives of the act, and that appropriation was  
24      speedily made.

25        "In an address on March 15 President

Roosevelt stated that the decision embodied in the  
1 Lend-Lease Act ended the urging that we get along  
2 with the dictators and ended the compromise with tyrr-  
3 ranny and the forces of oppression. When our pro-  
4 duction output was in full swing, he said, the  
5 democracies of the world would be able to prove that  
6 dictators could not win. The time element he con-  
7 sidered of 'supreme importance.' Every plane, every  
8 other instrument of war, old and new, which we could  
9 spare would be sent overseas; the great task of the  
10 day, the deep duty which rested upon us, was to  
11 move products from the assembly lines of our fact-  
12 ries to the battle lines of democracies -- Now!

"The President said that the Nazi forces  
15 were not asking mere modifications in colonial maps  
16 or in minor European boundaries; that they openly  
17 sought the destruction of all elective systems of  
18 government on every continent -- including our own;  
19 that they sought to establish systems of government  
20 based on the regimentation of all human beings by a  
21 handful of individual rulers who had seized power by  
22 force.

"The Nation, he said, was calling for the  
24 sacrifice of some privileges but not for the sacri-  
25 fice of fundamental rights. Referring to the four

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21 handful of individual rulers who had seized power by  
22 force.

"The Nation, he said, was calling for the  
24 sacrifice of some privileges but not for the sacri-  
25 fice of fundamental rights. Referring to the four

1        freedoms set forth in his January address, the  
2        President said that they might not be immediately  
3        attainable throughout the world but 'Humanity does  
4        move towards those ideals through democratic pro-  
5        cesses.' If we failed and democracy were superseded  
6        by slavery, 'then those four freedoms or even the  
7        mention of them will become forbidden things.'

8                "There was no longer any doubt, he said,  
9        that our people recognized the seriousness of the  
10      international situation. That was why they had  
11      'demanded and obtained a 'policy of unqualified,  
12      immediate, all-out aid for Britain, Greece, China,  
13      and for all the governments in exile whose homelands  
14      are temporarily occupied by the aggressors.' It  
15      would be increased, he emphasized, 'and yet again  
16      increased,' until total victory had been won.

17                "In instructions shortly thereafter to  
18      United States diplomatic missions in several neutral  
19      European countries, the Secretary of State said that  
20      every effort should be made to see that this authori-  
21      tative statement by the President of our position was  
22      circulated as widely as possible. He said a salutary  
23      effect on public and official opinion in countries  
24      which had not been drawn directly into the war, would  
25      result from a forceful, continuous presentation of

1       the position of the United States and of the scope  
2       of our national effort and determination to resist  
3       aggression. Such a presentation would be of great  
4       assistance in counteracting totalitarian propaganda.  
5       The missions were to stress that we were absolutely  
6       convinced that the forces of aggression would be  
7       defeated. It had been made abundantly clear by our  
8       people and Government, the Secretary said, that we  
9       intended to play our part in resistance against the  
10      forces of aggression. Therefore, it was incumbent  
11      upon every representative of the United States and  
12      upon every United States citizen abroad to reflect  
13      'the absolute determination' of the United States to  
14      'see this thing through.'"

15       We offer in evidence defense document  
16      1500-I-2 which is a confidential letter from Admiral  
17      Richardson to Admiral Stark, sent 7 January 1941 with  
18      respect to the security of the Fleet and the ability  
19      of the defense forces to meet a surprise attack.

20       THE PRESIDENT: Mr. Tavenner.

21       MR. TAVENNER: If it please the Tribunal,  
22      the same objection is made to this document as to the  
23      other documents constituting series 1500.

24       THE PRESIDENT: The objection is sustained  
25      and the document rejected by a majority.

1                   MR. LOGAN: We offer in evidence defense  
2 document 1900-A-8, an excerpt from the Asahi News-  
3 paper of January 13, 1941, reporting that Britain  
4 and the United States may jointly use British Naval  
5 Bases in the Pacific.

6                   THE PRESIDENT: Mr. Tavenner.

7                   MR. TAVENNER: If the Tribunal please, the  
8 same objection is made to this document as the others  
9 constituting the 1900 series. It is a rumor from a  
10 newspaper -- originating in a newspaper column.

11                  MR. LOGAN: I might say, if the Tribunal  
12 please, here again we offer evidence to show that  
13 information was received in Japan. We are not offer-  
14 ing it for the truth or falsity of this information,  
15 but apparently this came from the Washington Special  
16 Despatch -- part of it, anyway. It shows the infor-  
17 mation the Japanese people and the Japanese Government  
18 received and which helped formulate their opinion.

19                  THE PRESIDENT: Objection sustained; docu-  
20 ment rejected by a majority.

21                  MR. LOGAN: We offer in evidence defense  
22 document 1900-A-9, an excerpt from the Asahi News-  
23 paper of January 13, 1941, reporting the appointment  
24 of a special committee to conclude an agreement cover-  
25 ing technical particulars as to leasing naval and air

1 bases on the British islands in the Western Hemi-  
2 sphere and that said committee was leaving for  
3 England.

4 THE PRESIDENT: Mr. Tavenner.

5 MR. TAVERNER: The same objection as to the  
6 other 1900 series documents, if the Tribunal please.

7 MR. LOGAN: This, if the Tribunal will re-  
8 call, was the secret meeting, which evidence was intro-  
9 duced. Then, again, the point was raised by the prose-  
10 cution, did Japan know about this meeting? Here is  
11 evidence of it.

12 THE PRESIDENT: The objection is sustained and  
13 the document rejected by a majority.

14 MR. LOGAN: We offer in evidence defense  
15 document 1900-A-10, an excerpt from the Asahi Shimbun  
16 of January 13, 1941, reporting that Canada's new air  
17 bases in the North were to be placed at the service  
18 of the United States Air Forces.

19 THE PRESIDENT: Mr. Tavenner.

20 MR. TAVERNER: If the Tribunal please, the  
21 same objection is made to this as to the other docu-  
22 ments in series 1900.

23 MR. LOGAN: Here, again, if the Tribunal  
24 please, we offer evidence to show that information was  
25 received in Japan of these various acts. It will be

1 up to the Tribunal to determine whether they were  
2 sufficient to cause apprehension of the Japanese  
3 people and the Japanese Government that they were  
4 being encircled and whether or not their act was  
5 warranted in declaring a defensive war.

6 THE PRESIDENT: The objection is sustained  
7 and the document rejected by a majority.

8 MR. LOGAN: I also wish to explain that we  
9 intend to tie this up by evidence which we will  
10 produce later.

11 THE PRESIDENT: I gave the decision.

12 MR. LOGAN: I am sorry. I didn't hear it.

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We offer in evidence defense document  
1 1900-A-11, an excerpt from the Asahi Shimbun of  
2 January 15, 1941. In this report is the account  
3 of House Naval Affairs Committeeman King suggesting  
4 the acquisition of British Islands in the south and  
5 mid-Pacific in return for President Roosevelt's  
6 Lend-Lease Aid to Britain.

7 THE PRESIDENT: Mr. Tavenner.

8 MR. TAVENNER: If the Tribunal please,  
9 objection is made to this newspaper excerpt on the  
10 same grounds as the others under Series 1900.

11 MR. LOGAN: We urge its acceptance for the  
12 same reason set forth in the other documents we have  
13 offered in that series.

14 THE PRESIDENT: Objection sustained and the  
15 document rejected by a majority.

16 MR. LOGAN: We offer in evidence defense  
17 document 1900A-12, an extract from the Asahi Shimbun  
18 of January 16, 1942 reporting opinions expressed among  
19 the United States Navy Circles as to the use of  
20 Singapore.

21 THE PRESIDENT: Mr. Tavenner.

22 MR. TAVENNER: If the Tribunal please, objection  
23 is made to this newspaper excerpt on the same grounds  
24 as the others in Series 1900.

1                   MR. LOGAN: We offer in evidence --

2                   THE PRESIDENT: Just a minute. The objection  
3                   is sustained and the document rejected by a majority.

4                   MR. LOGAN: We offer in evidence defense  
5                   document 1900-A-13, an excerpt from the Asahi  
6                   Newspaper of January 17, 1941 which reports the United  
7                   States Navy's enlargement of the air bases across  
8                   the Pacific, submarine patrol planes and the Navy's  
9                   orders to produce a number of airships to be used  
10                  for patrol.

11                  THE PRESIDENT: Mr. Tavenner.

12                  MR. TAVENNER: If the Tribunal please, objection  
13                  is made to this newspaper excerpt on the same grounds  
14                  as the others.

15                  MR. LOGAN: If the Tribunal please, I don't  
16                  know how we can prove our case unless we can show that  
17                  the Japanese Government and the Japanese people knew  
18                  what was going on. It goes right to the heart of the  
19                  defense that she was being encircled and she knew about  
20                  it. She knew what was going on. Is that justification  
21                  for her subsequent acts? Prosecution advanced the  
22                  tenuous argument before, that we shouldn't prove what  
23                  the United States and other countries were doing along  
24                  naval lines because we couldn't show that it was brought  
25                  home to Japan. Here is evidence ~~that~~ what was happening

1 was actually known to the people in Japan, and it is  
2 up to the Tribunal, I submit, to determine whether or  
3 not this information which was received was sufficient  
4 to inflame the Japanese people and to cause the Japanese  
5 Government to do what it subsequently did.

6 THE PRESIDENT: A Member of the Tribunal puts  
7 it this way, Mr. Logan: The Japanese Ministers of  
8 State didn't act on newspaper reports.

9 MR. LOGAN: They acted on newspaper reports  
10 and other reports and we propose to show in a few  
11 minutes just the type of reports that they did act on.

12 THE PRESIDENT: I think we have allowed a  
13 newspaper report to be used as confirmation of certain  
14 atrocities, exposed by a witness to a newspaper or  
15 a newspaperman. But, I do not think we have taken  
16 newspaper reports as evidence of the occurrences to  
17 which they referred.

18 MR. LOGAN: I thought I made it abundantly  
19 clear, your Honor, that I am not offering these news-  
20 paper reports for the truth or falsity of the information  
21 contained therein. It seems to me that the facts that  
22 are in this case would give the Tribunal sufficient  
23 information and light as to whether or not they are  
24 true or false. I am offering them because --

25 THE PRESIDENT: Individual accused, if and when

1 he gives evidence may, perhaps, be able to say what  
2 influenced him.

3 MR. LOGAN: If the Tribunal please, that  
4 is the purpose of the general phases. We offer this  
5 evidence once. If each individual accused is going  
6 to take the stand and say "I read this, I read this,  
7 I read this, in the newspaper," we would have the same  
8 testimony 25 times.

9 THE PRESIDENT: You might. We shall have  
10 to try to avoid that without prejudice to the accused,  
11 of course, if it arises.

12 MR. LOGAN: That is exactly what we are trying  
13 to avoid, such duplication of effort and the prolongation  
14 of the trial. On the other hand, if we have this  
15 evidence through these documents of what appeared in the  
16 newspapers and these accused read the newspapers or  
17 relied on those reports, it would be a simple matter  
18 just to refer to the exhibits by number.

19 THE PRESIDENT: It was suggested at some  
20 stage or other that these Japanese newspapers in those  
21 days were publishing only press or government releases.

22 MR. LOGAN: All these reports, these releases,  
23 show they come from foreign countries. This particular  
24 one here comes from Los Angeles.

25 THE PRESIDENT: If that is so, why not give

1 us the information from the Japanese official  
2 sources showing upon what these releases were based?

3 MR. LOGAN: Well, these reports come in  
4 from various countries and they are published in the  
5 newspaper here. It seems to me that the mere fact  
6 that they appeared in the paper -- that is all I am  
7 offering them for. I have tried to explain that when  
8 I started to offer these papers, but I just wondered  
9 whether or not the Court understood what I was trying  
10 to do.

11 THE PRESIDENT: Here is a point at observation:  
12 You may be suggesting that a war is justified because  
13 of reports in newspapers, whether true or false.  
14

15 MR. LOGAN: I am not suggesting that. I am  
16 suggesting this, if the Tribunal please, that actions  
17 were taken of a military nature by other countries. In  
18 the first place, prosecution think that everything the  
19 other countries did was secret and was not known to  
20 the people of Japan. This evidence contradicts that.  
21 Secondly, we will show that the information contained  
22 in these documents was, as a matter of fact, true. What  
23 we are trying to do is to show through this particular  
24 method that the actions which were taken by the other  
25 countries was actually published in the Japanese  
newspapers and they knew about it.

As I said earlier this afternoon, I am not

1 relying upon these documents to show the truth or  
2 falsity of the information contained therein. I  
3 am just relying on that to show that Japan knew what  
4 was going on and the subsequent actions of the Japanese  
5 people and the Japanese Government ~~were based~~, in part,  
6 on these documents.

7 THE PRESIDENT: This is way back in January,  
8 1936, don't forget.

9 By a majority --

10 MR. LOGAN: I am sorry, there is an error in  
11 that. That is "January 17, 1941." I read it correctly  
12 in my commentary. That's "January 17, 1941."

13 THE PRESIDENT: Well, a majority think that this  
14 has no probative value. The objection is sustained  
15 and the document rejected.

16 Mr. Tavenner.

17 MR. TAVENNER: If the Tribunal please, document  
18 1739 appears in an early place on the order list for  
19 tomorrow. The first 30 pages of it we can read; the  
20 rest of it, it is impossible to follow. I thought  
21 attention should be called to that now so that it could  
22 be corrected.

23 THE PRESIDENT: Are you referring to an English  
24 translation?

25 MR. TAVENNER: Yes, sir.

1                   THE PRESIDENT: We will defer that to the  
2 Language Section, Major Moore.

3                   MR. TAVENNER: If your Honor please, it is  
4 not a matter for the Language Section. It is just  
5 a question of putting the document together and in  
6 typing it. There are some pages --

7                   THE PRESIDENT: Why ask the Tribunal to do  
8 that? We will give any necessary direction to correct  
9 what is required to be done.

10                  We will adjourn until half-past nine tomorrow  
11 morning.

12                  (Whereupon, at 1600, an adjournment  
13 was taken until Tuesday, 12 August 1947 at  
14 0930.)

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